

**EIGHTY SEVENTH DAY****MORNING SESSION**

Senate Chamber, Olympia  
Wednesday, April 5, 2017

The Senate was called to order at 9:04 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Bruce Giuntoll and Miss Sarah Gorrell, presented the Colors. Page Mr. Andrew Conklin led the Senate in the Pledge of Allegiance. The prayer was offered by Senator Kirk Pearson, 39th Legislative District, Monroe.

**MOTION**

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Fain, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 5919 by Senators Ranker, Fain, Miloscia, Rivers, Rossi, Billig, Carlyle, Brown, Rolfs, Frockt, Hasegawa, Conway, Warnick, Darneille, Pedersen, Keiser, Zeiger, Baumgartner, Cleveland, Chase, Kuderer, Takko, McCoy, Hunt, Nelson, Saldaña, Fortunato, Liias, Short, Mullet, Palumbo and Wellman

AN ACT Relating to consumer protection of internet privacy; and adding new sections to chapter 43.105 RCW.

Referred to Committee on Energy, Environment & Telecommunications.

SB 5920 by Senator Palumbo

AN ACT Relating to modifying the months in which the state economic and revenue forecast is submitted; reenacting and amending RCW 82.33.020; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

**MOTION**

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

**MOTION**

On motion of Senator Fain, the Senate advanced to the eighth order of business.

**MOTION**

Senator Angel moved adoption of the following resolution:

**SENATE RESOLUTION  
8613**

By Senators Angel, Wilson, Rossi, Short, Padden, Pearson, Brown, Rivers, Sheldon, King, Honeyford, Keiser, Walsh, Pedersen, Wellman, and Cleveland

WHEREAS, Washington State is committed to the promotion of safety programs, policies, and actions; and

WHEREAS, Thousands of motorcyclists travel the roads, streets, highways, and interstate systems of Washington State every day; and

WHEREAS, Motorcycles are fuel-efficient vehicles that have access to Washington State High Occupancy Vehicle lanes, promoting a less congested travel way; and

WHEREAS, Motorcyclists help to provide funds for the transportation infrastructure of Washington State that they and others use; and

WHEREAS, The majority of the motorcycling community is committed to motorcycle safety and awareness and promotes policies and procedures for themselves and other motorists in order to create a safe roadway for all; and

WHEREAS, The motorcycling community is filled with people dedicated to charitable organizations and activities; and

WHEREAS, Hundreds of motorcyclists, like those of Bikers Against Child Abuse, band together to support kids and other vulnerable communities all around the state; and

WHEREAS, The month of May is recognized nationally and throughout the state as Motorcycle Awareness Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the month of May as Motorcycle Awareness Month; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the AAA Washington office, the ABATE of Washington office, Bikers Against Child Abuse, and the headquarters of the Washington State Patrol and the Washington State Department of Transportation.

Senator Angel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8613.

The motion by Senator Angel carried and the resolution was adopted by voice vote.

**MOTION**

At 9:11 a.m., on motion of Senator Fain, the Senate was declared to be at ease for the purpose of caucuses.

**INTRODUCTION OF SPECIAL GUESTS**

The President welcomed and introduced members of the Sacred Roads Ministries from the Yakama Nation who were seated in the gallery.

Senator Wellman announced a meeting of the Democratic Caucus.

ENGROSSED HOUSE BILL NO. 1450, by Representatives Nealey, Kirby and Vick

The Senate was called to order at 1:44 p.m. by President Habib.

Senator Rivers moved adoption of the following resolution:

SENATE RESOLUTION  
8643

By Senators Rivers, Honeyford, Kuderer, Angel, Brown, Liias, Rolfs, Cleveland, Padden, Wellman, Saldaña, and Conway

WHEREAS, Many Washington citizens have literally given the gift of life by donating organs, eyes, and tissues; and

WHEREAS, It is essential that all citizens are aware of the opportunity to save and heal the lives of others through organ, eye, and tissue donation and transplantation; and

WHEREAS, There are more than one hundred twenty thousand courageous Americans awaiting a lifesaving organ transplant, with twenty-two individuals losing their lives every day because of the shortage of donations; and

WHEREAS, Every ten minutes a person is added to the national organ transplant waiting list; and

WHEREAS, One organ donor can save the lives of up to eight people and heal many more through cornea and tissue donation; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ, eye, and tissue donation another person's life has been saved or enhanced; and

WHEREAS, Organ donation offers the recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, The families of organ, eye, and tissue donors receive gratitude from recipients whose lives have been enhanced by transplantation; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others; and

WHEREAS, Donate Life and its partnering organizations have designated April as National Donate Life Month;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor April as National Donate Life Month to remember those who have donated, and celebrate the lives of the recipients.

Senators Rivers, Angel and Takko spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8643.

The motion by Senator Rivers carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed family members of organ donors and recipients of organ donations who were seated in the gallery.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

Creating and establishing the rights and duties for title insurance rating and advisory organizations.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Engrossed House Bill No. 1450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Angel spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Saldaña was excused.

Senator Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1450.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1450 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darnelle, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED HOUSE BILL NO. 1450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1148, by Representatives J. Walsh, Chapman, Vick, Blake, Orcutt and Muri

Extending the expiration date for reporting requirements on timber purchases.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, House Bill No. 1148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1148.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1148 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1079, by House Committee on Public Safety (originally sponsored by Representatives Orwall, Klippert, Goodman, Stokesbary, Kilduff, Chapman, McCabe, Hudgins, Jinkins, Ortiz-Self, Bergquist, Stanford, Griffey, Hargrove, Smith, Tarleton, Harmsworth, Ormsby, Muri, Van Werven, Kraft, Fey, Slatter, Sawyer, McBride and Gregerson)

Creating a criminal no-contact order for human trafficking and promoting prostitution-related offenses.

The measure was read the second time.

## MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 824.** A new section is added to chapter 9A.40 RCW to read as follows:

(1) A defendant who is charged by citation, complaint, or information with an offense involving trafficking, as described in RCW 9A.40.100, and is not arrested, shall appear in court for arraignment or initial appearance in person as soon as practicable, but in no event later than fourteen days after the defendant is served with the citation, complaint, or information. At that appearance, the court shall determine the necessity of imposing or extending a no-contact order, and consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

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

been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

**NEW SECTION. Sec. 825.** A new section is added to chapter 9A.40 RCW to read as follows:

Any general authority Washington peace officer as defined in RCW 10.93.020 in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim or others.

**NEW SECTION. Sec. 826.** A new section is added to chapter 9A.40 RCW to read as follows:

(1) Because of the likelihood of repeated harassment and intimidation directed at those who have been victims of trafficking as described in RCW 9A.40.100, before any defendant charged with or arrested, for a crime involving trafficking, is released from custody, or at any time the case remains unresolved, the court may prohibit that person from having any contact with the victim whether directly or through third parties.

At the initial preliminary appearance, the court shall determine whether to extend any existing prohibition on the defendant's contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location. The court may also consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

(2) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(3)(a) Willful violation of a court order issued under this section is punishable under RCW 26.50.110.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(4) Upon a motion with notice to all parties and after a hearing, the court may terminate or modify the terms of an existing no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses.

(5)(a) A defendant's motion to terminate or modify a no-contact order must include a declaration setting forth facts supporting the requested order for termination or modification. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the defendant established adequate cause, the court shall set a date for hearing the defendant's motion.

(b) The court may terminate or modify the terms of a no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses, if the defendant proves by a preponderance of the evidence that there has been a material change in circumstances such that the defendant is not likely to engage in or attempt to engage in physical or nonphysical contact with the victim if the order is terminated or modified. The victim bears no burden of proving that he or she has a current reasonable fear of harm by the defendant.

(c) A defendant may file a motion to terminate or modify pursuant to this section no more than once in every twelve-month

EIGHTY SEVENTH DAY, APRIL 5, 2017

period that the order is in effect, starting from the date of the order and continuing through any renewal.

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

NEW SECTION. **Sec. 827.** A new section is added to chapter 9A.40 RCW to read as follows:

(1) If a defendant is found guilty of the crime of trafficking under RCW 9A.40.100 and a condition of the sentence restricts the defendant's ability to have contact with the victim, the condition must be recorded and a written certified copy of that order must be provided to the victim by the clerk of the court. Willful violation of a court order issued under this section is punishable under RCW 26.50.110. The written order must contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

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

NEW SECTION. **Sec. 828.** A new section is added to chapter 9A.88 RCW to read as follows:

(1) A defendant who is charged by citation, complaint, or information with an offense involving promoting prostitution in the first degree as described in RCW 9A.88.070 or promoting prostitution in the second degree as described in RCW 9A.88.080 and not arrested shall appear in court for arraignment or initial appearance in person as soon as practicable, but in no event later than fourteen days after the defendant is served with the citation, complaint, or information. At that appearance, the court shall determine the necessity of imposing or extending a no-contact order, and consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

(2) Whenever a no-contact order is issued under this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order for one year or until

the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

NEW SECTION. **Sec. 829.** A new section is added to chapter 9A.88 RCW to read as follows:

Any general authority Washington peace officer as defined in RCW 10.93.020 in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim or others.

NEW SECTION. **Sec. 830.** A new section is added to chapter 9A.88 RCW to read as follows:

(1) Because of the likelihood of repeated harassment and intimidation directed at those who have been victims of promoting prostitution in the first degree under RCW 9A.88.070 or promoting prostitution in the second degree under RCW 9A.88.080, before any defendant charged with or arrested, for a crime involving promoting prostitution is released from custody, or at any time the case remains unresolved, the court may prohibit that person from having any contact with the victim whether directly or through third parties. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location. The court may also consider the provisions of RCW 9.41.800 or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

(2) At the time of arraignment, the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(3)(a) Willful violation of a court order issued under this section is punishable under RCW 26.50.110.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(4) Upon a motion with notice to all parties and after a hearing, the court may terminate or modify the terms of an existing no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses.

(5)(a) A defendant's motion to terminate or modify a no-contact order must include a declaration setting forth facts supporting the requested order for termination or modification. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the declarations. If the court finds that the defendant established adequate cause, the court shall set a date for hearing the defendant's motion.

(b) The court may terminate or modify the terms of a no-contact order, including terms entered pursuant to RCW 9.41.800 related to firearms or other dangerous weapons or to concealed pistol licenses, if the defendant proves by a preponderance of the evidence that there has been a material change in circumstances

such that the defendant is not likely to engage in or attempt to engage in physical or nonphysical contact with the victim if the order is terminated or modified. The victim bears no burden of proving that he or she has a current reasonable fear of harm by the defendant.

(c) A defendant may file a motion to terminate or modify pursuant to this section no more than once in every twelve-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

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

NEW SECTION. Sec. 831. A new section is added to chapter 9A.88 RCW to read as follows:

(1) If a defendant is found guilty of the crime of promoting prostitution in the first degree under RCW 9A.88.070 or promoting prostitution in the second degree under RCW 9A.88.080, and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition must be recorded and a written certified copy of that order must be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section is punishable under RCW 26.50.110. The written order must contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and the violator is subject to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

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

Sec. 832. RCW 26.50.110 and 2015 c 275 s 15 and 2015 c 248 s 1 are each reenacted and amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

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

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

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

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

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

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(ii) Shall impose a fine of fifteen dollars, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the fifteen dollar fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, any temporary order for protection granted under chapter 7.40 RCW pursuant to chapter 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

EIGHTY SEVENTH DAY, APRIL 5, 2017

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.92, 7.90, 9A.40, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation."

On page 1, line 2 of the title, after "offenses;" strike the remainder of the title and insert "reenacting and amending RCW 26.50.110; adding new sections to chapter 9A.40 RCW; adding new sections to chapter 9A.88 RCW; and prescribing penalties."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Substitute House Bill No. 1079.

The motion by Senator Padden carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Substitute House Bill No. 1079 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1079 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1079 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1079, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1204, by Representatives Young, McCaslin, Shea, Taylor and J. Walsh

Requiring the display of the national league of families' POW/MIA flag on certain days.

The measure was read the second time.

#### MOTION

On motion of Senator Miloscia, the rules were suspended, House Bill No. 1204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1204.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1204 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1275, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Wilcox, Chapman, MacEwen, J. Walsh, Orcutt, Buys, Pettigrew, Fitzgibbon, Haler, Condotta and Muri)

Including fish passage barrier removal projects that comply with the forest practices rules in the streamlined permit process provided in RCW 77.55.181.

The measure was read the second time.

#### MOTION

Senator Pearson moved that the following committee striking amendment by the Committee on Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 833.** RCW 77.55.181 and 2014 c 120 s 1 are each amended to read as follows:

(1)(a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under this section and must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made or caused fish passage barriers, including;

(A) Culvert repair and replacement; and

(B) Fish passage barrier removal projects that comply with the forest practices rules, as the term "forest practices rules" is defined in RCW 76.09.020;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety.

(c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration;

(vii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project;

(viii) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

(ix) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county; ((and))

(x) Through the approval process established for forest practices hydraulic projects in chapter 76.09 RCW; or

(xi) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Applicants for a forest practices hydraulic project that are not otherwise required to submit a joint aquatic resource permit application must submit a copy of their forest practices application to the appropriate local government on the same day that they submit the forest practices application to the department of natural resources.

(b) Local governments shall accept the application identified in this section as notice of the proposed project. ((The department)) A local government shall ((provide)) be provided with a fifteen-day comment period during which it ((will receive)) may transmit comments regarding environmental impacts to the department or, for forest practices hydraulic projects, to the department of natural resources.

(c) ((Within forty-five days)) Except for forest practices hydraulic projects, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project within forty-five days. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. Permitting decisions over forest practices hydraulic approvals must be made consistent with chapter 76.09 RCW.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit other than a forest practices hydraulic project under this section may appeal the decision as provided in RCW 77.55.021(8). Appeals of a forest practices hydraulic project may be made as provided in chapter 76.09 RCW.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department or the department of natural resources under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct."

On page 1, line 3 of the title, after "77.55.181;" strike the remainder of the title and insert "and amending RCW 77.55.181."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources & Parks to Substitute House Bill No. 1275.

The motion by Senator Pearson carried and the committee striking amendment was adopted by voice vote.

## MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1275 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1275 as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1275 as amended by the Senate and the bill passed

EIGHTY SEVENTH DAY, APRIL 5, 2017

the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1275, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1338, by House Committee on Appropriations (originally sponsored by Representatives Cody, Schmick, Jinkins, Johnson, Robinson and Riccelli)

Addressing the Washington state health insurance pool.

The measure was read the second time.

#### MOTION

On motion of Senator Rivers, the rules were suspended, Second Substitute House Bill No. 1338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1338.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1338 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SECOND SUBSTITUTE HOUSE BILL NO. 1338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1351, by House Committee on Appropriations (originally sponsored by Representatives Sawyer, Vick, Springer, Barkis, Blake, Fitzgibbon and Haler)

Authorizing, under one license, the sale of spirits, beer, and wine at retail for off-premises consumption.

The measure was read the second time.

#### MOTION

On motion of Senator Baumgartner, the rules were suspended, Engrossed Second Substitute House Bill No. 1351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1351.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1351 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Pearson and Van De Wege

Excused: Senator Saldaña

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1449, by Representatives Manweller and Dent

Concerning water recreation facilities.

The measure was read the second time.

#### MOTION

On motion of Senator Rivers, the rules were suspended, House Bill No. 1449 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1449.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1449 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1218, by House Committee on Transportation (originally sponsored by Representatives Fey, McCaslin and Goodman)

Modifying when towing fees terminate.

The measure was read the second time.

#### MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1218.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1218 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548, by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick and Cody)

Concerning curricula for persons in long-term care facilities with behavioral health needs.

The measure was read the second time.

#### MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 1548 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1548.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1548 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1845, by House Committee on Business & Financial Services (originally sponsored by Representatives Vick, Kirby and Haler)

Concerning the delivery of insurance notices and documents by electronic means.

The measure was read the second time.

#### MOTION

Senator Angel moved that the following committee striking amendment by the Committee on Financial Institutions & Insurance be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 834.** RCW 48.185.005 and 2015 c 263 s 1 are each amended to read as follows:

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

(1)(a)(i) "Delivered by electronic means" includes:

(A) Delivery to an electronic mail address at which a party has consented to receive notices or documents; or

(B) Posting on an electronic network or site accessible via the internet, mobile application, computer, mobile device, tablet, or any other electronic device, together with separate notice of the posting which shall be provided by electronic mail to the address at which the party has consented to receive notice or by any other delivery method that has been consented to by the party.

EIGHTY SEVENTH DAY, APRIL 5, 2017

(ii) "Delivered by electronic means" does not include any communication between an insurer and an insurance producer relating to RCW 48.17.591 and 48.17.595.

(b) "Party" means any recipient of any notice or document required as part of an insurance transaction, including but not limited to an applicant, an insured, a policyholder, or an annuity contract holder.

(2) Subject to the requirements of this section, any notice to a party or any other document required under applicable law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, and presented by electronic means so long as it meets the requirements of the Washington electronic authentication act (chapter 19.34 RCW). An electronic signature is the equivalent of a digital signature, as those terms are defined in chapter 19.34 RCW, for the purposes of satisfying the requirements of chapter 19.34 RCW under this chapter.

(3) Delivery of a notice or document in accordance with this section is the equivalent to any delivery method required under applicable law, including delivery by first-class mail; first-class mail, postage prepaid; certified mail; or registered mail.

(4) A notice or document may be delivered by an insurer to a party by electronic means under this section only if:

(a) The party has affirmatively consented to that method of delivery and has not withdrawn the consent;

(b) The party, before giving consent, has been provided with a clear and conspicuous statement informing the party of:

(i) The right the party has to withdraw consent to have a notice or document delivered by electronic means at any time, and any conditions or consequences imposed in the event consent is withdrawn;

(ii) The types of notices and documents to which the party's consent would apply;

(iii) The right of a party to have a notice or document in paper form; and

(iv) The procedures a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update the party's electronic mail address;

(c) The party:

(i) Before giving consent, has been provided with a statement of the hardware and software requirements for access to and retention of notices or documents delivered by electronic means; and

(ii) Consents electronically, or confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means as to which the party has given consent; and

(d) After consent of the party is given, the insurer, in the event a change in the hardware or software requirements needed to access or retain a notice or document delivered by electronic means creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies:

(i) Shall provide the party with a statement that describes:

(A) The revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means; and

(B) The right of the party to withdraw consent without the imposition of any fee, condition, or consequence that was not disclosed at the time of initial consent; and

(ii) Complies with (b) of this subsection.

(5) This section does not affect requirements related to content or timing of any notice or document required under applicable law.

(6) If this title or applicable law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt.

(7) The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party may not be denied solely because of the failure to obtain electronic consent or confirmation of consent of the party in accordance with subsection (4)(c)(ii) of this section.

(8)(a) A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice or document delivered by electronic means to the party before the withdrawal of consent is effective.

(b) A withdrawal of consent by a party is effective within a reasonable period of time, not to exceed thirty days, after receipt of the withdrawal by the insurer.

(c) Failure by an insurer to comply with subsections (4)(d) and (10) of this section may be treated, at the election of the party, as a withdrawal of consent for purposes of this section.

(9) This section does not apply to a notice or document delivered by an insurer in an electronic form before July 24, 2015, to a party who, before that date, has consented to receive a notice or document in an electronic form otherwise allowed by law.

(10) If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before July 24, 2015, and pursuant to this section, an insurer intends to deliver additional notices or documents to such party in an electronic form, then prior to delivering such additional notices or documents electronically, the insurer shall:

(a) Provide the party with a statement that describes:

(i) The notices or documents that shall be delivered by electronic means under this section that were not previously delivered electronically; and

(ii) The party's right to withdraw consent to have notices or documents delivered by electronic means, without the imposition of any condition or consequence that was not disclosed at the time of initial consent; and

(b) Comply with subsection (4)(b) of this section.

(11) An insurer shall deliver a notice or document by any other delivery method permitted by law other than electronic means if:

(a) The insurer attempts to deliver the notice or document by electronic means and has a reasonable basis for believing that the notice or document has not been received by the party; or

(b) The insurer becomes aware that the electronic mail address provided by the party is no longer valid.

(12) A producer shall not be subject to civil liability for any harm or injury that occurs as a result of a party's election to receive any notice or document by electronic means or by an insurer's failure to deliver a notice or document by electronic means.

(13) This section does not modify, limit, or supersede the provisions of the federal electronic signatures in global and national commerce act (E-SIGN), P.L. 106-229, as amended."

On page 1, line 2 of the title, after "means;" strike the remainder of the title and insert "and amending RCW 48.185.005."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Financial Institutions & Insurance to Substitute House Bill No. 1845.

The motion by Senator Angel carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Angel, the rules were suspended, Substitute House Bill No. 1845 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Mullet spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1845 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1845 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1845, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1195, by Representatives Kilduff, Rodne, Goodman, Hayes and Muri

Concerning surrender of person under surety's bond.

The measure was read the second time.

#### MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1195.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1195 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

Absent: Senator Liias

Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1820, by House Committee on Environment (originally sponsored by Representatives Volz, Tharinger, Senn, McCaslin, Koster, Haler, Shea, Irwin and Holy)

Concerning the maintenance and operations of parks and recreational land acquired through the conservation futures program.

The measure was read the second time.

#### MOTION

On motion of Senator Pearson, the rules were suspended, Substitute House Bill No. 1820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1820.

#### MOTION

On motion of Senator Mullet, Senator Liias was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1820 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1820, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 1728, by Representatives Sawyer, Smith, Caldier, Jinkins, Fey, Kloba, Ortiz-Self, Stanford and Frame

Protecting minors from sexual exploitation.

The measure was read the second time.

On motion of Senator Padden, the rules were suspended, Engrossed House Bill No. 1728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1728.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1728 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

ENGROSSED HOUSE BILL NO. 1728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1337, by Representatives Riccelli, Harris, Cody, Jinkins, Tharinger, Robinson, Goodman, Ormsby and Ortiz-Self

Creating the interstate medical licensure compact.

The measure was read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 193 by Senator Padden be adopted:

On page 15, line 9, after "(2)" insert "Notwithstanding subsection (1) of this section, the Washington state medical quality assurance commission shall review the rules of the interstate commission. The Washington medical quality assurance commission may reject or approve and adopt the rules of the interstate commission as rules of the Washington medical quality assurance commission. A rule shall only be enforceable within the state of Washington if the rule of the interstate commission is adopted by the Washington medical quality assurance commission and the rule does not violate any right guaranteed by the state Constitution or the United States Constitution.

(3)"

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

Senators Padden and Rivers spoke in favor of adoption of the amendment.

Senator Cleveland spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 193 by Senator Padden on page 15, after line 9 to House Bill No. 1337.

The motion by Senator Padden carried and floor amendment no. 193 was adopted on a rising vote.

MOTION

On motion of Senator Rivers, the rules were suspended, House Bill No. 1337 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Cleveland spoke in favor of passage of the bill.

MOTION

On motion of Senator Mullet, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1337 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1337 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Miloscia, Mullet, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Kuderer, Liias, McCoy, Palumbo, Takko and Wellman

Excused: Senators Nelson and Saldaña

HOUSE BILL NO. 1337, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1718, by Representatives Jenkin, Kirby, Barkis, Vick, Stanford, Nealey, Springer, Fey and Condotta

Creating a special permit for certain wine auctions.

The measure was read the second time.

MOTION

Senator Baumgartner moved that the following committee amendment by the Committee on Commerce, Labor & Sports be adopted:

On page 5, line 39, after "(17) is" strike "twenty-seven" and insert "twenty-five"

Senator Baumgartner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Commerce, Labor & Sports to House Bill No. 1718.

The motion by Senator Baumgartner carried and the committee amendment was adopted by voice vote.

#### MOTION

Senator Schoesler moved that the following floor amendment no. 199 by Senator Schoesler be adopted:

On page 5, line 30, after "(c)" insert "A nonprofit organization that holds a special permit under either subsection (3) of this section or this subsection (17) may accept liquor donated to the organization by any person, industry member, or entity so long as the donor or the organization pays any fees established by RCW 66.24.630(4), taxes imposed on a retail sale under RCW 82.08.150, or other sales taxes that would be paid, if the sale were made to a consumer.

(d)"

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

Senators Schoesler and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 199 by Senator Schoesler on page 5, line 30 to House Bill No. 1718.

The motion by Senator Schoesler carried and floor amendment no. 199 was adopted by voice vote.

#### MOTION

Senator Fortunato moved that the following floor amendment no. 202 by Senator Fortunato be adopted:

On page 6, after line 4, insert the following:

"(18)(a) There is a special permit to be designated as a banquet permit to be issued to a nonprofit organization, which has annual gross income of less than two hundred fifty thousand dollars, to provide free of charge, spirits, beer, and wine by the individual serving for on-premises consumption at a specified date and place.

(b) The banquet permit is available for an unlimited number of the nonprofit organization's business or social events that are held solely for the organization's members and guests. The events may not be open to the general public.

(c) Liquor served at the event may be:

(i) Provided by individuals attending the event for their own consumption or with the intent to share, at no cost, with other attendees;

(ii) Included in the total price for an event when participants receive an equal share by distribution of exchangeable tickets as part of the package; or

(iii) Purchased by the event organizers at an authorized retail source.

(d) The nonprofit organization may accept cash donations at an event so long as there is no expectation or implied obligation to give a donation in exchange for a beverage containing liquor.

(e) The fee for the banquet permit is ten dollars per day.

(f) For events occurring under this subsection, the board must provide for an online permit to be issued on the day the event occurs.

(g) For the purposes of this subsection (18), "nonprofit organization" means an entity incorporated as a nonprofit organization under Washington state law."

On page 1, line 1 of the title, after "creating" strike all material through "auctions" on line 2 and insert "special permits for nonprofit organizations"

Senators Fortunato and Keiser spoke in favor of adoption of the amendment.

Senator Conway spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 202 by Senator Fortunato on page 6, after line 4 to House Bill No. 1718.

The motion by Senator Fortunato carried and floor amendment no. 202 was adopted on a rising vote.

#### MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 1718 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Baumgartner and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1718 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1718 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Cleveland, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Conway, Darneille, Lias, Nelson, Pearson, Van De Wege and Wellman

Excused: Senator Saldaña

HOUSE BILL NO. 1718, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1907, by Representatives Orcutt, Blake, DeBolt, McDonald and Van Werven

Concerning abandoned cemeteries.

The measure was read the second time.

#### MOTION

On motion of Senator Miloscia, the rules were suspended, House Bill No. 1907 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1907.

The Secretary called the roll on the final passage of House Bill No. 1907 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1907, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 1278, by Representatives Macri, DeBolt, Cody, Rodne, Wylie, Jinkins, Harris, Short and Farrell

Enacting the physical therapy licensure compact.

The measure was read the second time.

## MOTION

Senator Rivers moved that the following floor striking amendment no. 181 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 835.** A new section is added to chapter 18.74 RCW to read as follows:

The Physical Therapy Licensure Compact as set forth in this section is hereby enacted into law and entered into on behalf of this state with any and all other states legally joining therein in a form substantially as follows:

## PHYSICAL THERAPY LICENSURE COMPACT ARTICLE I - PURPOSE

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

(1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

(2) Enhance the states' ability to protect the public's health and safety;

(3) Encourage the cooperation of member states in regulating multistate physical therapy practice;

(4) Support spouses of relocating military members;

(5) Enhance the exchange of licensure, investigative, and disciplinary information between member states; and

(6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

## ARTICLE II - DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions apply:

(1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211.

(2) "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

(3) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.

(4) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.

(5) "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

(6) "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.

(7) "Encumbered license" means a license that a physical therapy licensing board has limited in any way.

(8) "Executive board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(9) "Home state" means the member state that is the licensee's primary state of residence.

(10) "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

(11) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

(12) "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

(13) "Member state" means a state that has enacted the compact.

(14) "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

(15) "Physical therapist" means an individual who is licensed by a state to practice physical therapy.

(16) "Physical therapist assistant" means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.

(17) "Physical therapy" has the same meaning given in RCW 18.74.010. "Physical therapy practice" and "the practice of physical therapy" have the same meaning given to "practice of physical therapy" in RCW 18.74.010.

(18) "Physical therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

(19) "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(20) "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

(21) "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

(22) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

### **ARTICLE III - STATE PARTICIPATION IN THE COMPACT**

(1) To participate in the compact, a state must:

(a) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rule;

(b) Have a mechanism in place for receiving and investigating complaints about licensees;

(c) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(d) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions in accordance with subsection (2) of this Article;

(e) Comply with the rules of the commission;

(f) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

(g) Have continuing competence requirements as a condition for license renewal.

(2) Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the federal bureau of investigation for a criminal background check in accordance with 28 U.S.C. Sec. 534 and 42 U.S.C. Sec. 14616.

(3) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

(4) Member states may charge a fee for granting a compact privilege.

### **ARTICLE IV - COMPACT PRIVILEGE**

(1) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(a) Hold a license in the home state;

(b) Have no encumbrance on any state license;

(c) Be eligible for a compact privilege in any member state in accordance with subsections (4), (7), and (8) of this Article;

(d) Have not had any adverse action against any license or compact privilege within the previous two years;

(e) Notify the commission that the licensee is seeking the compact privilege within a remote state(s);

(f) Pay any applicable fees, including any state fee, for the compact privilege;

(g) Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

(h) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

(2) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of subsection (1) of this Article to maintain the compact privilege in the remote state.

(3) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(4) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(5) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(a) The home state license is no longer encumbered; and

(b) Two years have elapsed from the date of the adverse action.

(6) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection (1) of this Article to obtain a compact privilege in any remote state.

(7) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

(a) The specific period of time for which the compact privilege was removed has ended;

(b) All fines have been paid; and

(c) Two years have elapsed from the date of the adverse action.

(8) Once the requirements of subsection (7) of this Article have been met, the licensee must meet the requirements in subsection (1) of this Article to obtain a compact privilege in a remote state.

### **ARTICLE V - ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

(1) Home of record;

(2) Permanent change of station; or

(3) State of current residence if it is different than the permanent change of station state or home of record.

### **ARTICLE VI - ADVERSE ACTIONS**

(1) A home state shall have exclusive power to impose adverse action against a license issued by the home state.

(2) A home state may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

(3) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(4) Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(5) A remote state shall have the authority to:

(a) Take adverse actions as set forth in subsection (4) of Article IV of this compact against a licensee's compact privilege in the state;

(b) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of

EIGHTY SEVENTH DAY, APRIL 5, 2017

that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

(c) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(6)(a) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(b) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

#### **ARTICLE VII - ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION**

(1) The compact member states hereby create and establish a joint public agency known as the physical therapy compact commission:

(a) The commission is an instrumentality of the compact states.

(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(c) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(2)(a) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(b) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(c) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(d) The member state board shall fill any vacancy occurring in the commission.

(e) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(f) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(g) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(3) The commission shall have the following powers and duties:

(a) Establish the fiscal year of the commission;

(b) Establish bylaws;

(c) Maintain its financial records in accordance with the bylaws;

(d) Meet and take such actions as are consistent with the provisions of this compact and the bylaws;

(e) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

(f) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

(g) Purchase and maintain insurance and bonds;

(h) Borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state;

(i) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(j) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

(k) Lease, purchase, or accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

(l) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(m) Establish a budget and make expenditures;

(n) Borrow money;

(o) Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(p) Provide and receive information from, and cooperate with, law enforcement agencies;

(q) Establish and elect an executive board; and

(r) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

(4) The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

(a) The executive board shall be comprised of nine members:

(i) Seven voting members who are elected by the commission from the current membership of the commission;

(ii) One ex officio, nonvoting member from a recognized national physical therapy professional association; and

(iii) One ex officio, nonvoting member from a recognized membership organization of the physical therapy licensing boards.

(b) The ex officio members will be selected by their respective organizations.

(c) The commission may remove any member of the executive board as provided in bylaws.

(d) The executive board shall meet at least annually.

(e) The executive board shall have the following duties and responsibilities:

(i) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

(ii) Ensure compact administration services are appropriately provided, contractual or otherwise;

(iii) Prepare and recommend the budget;

(iv) Maintain financial records on behalf of the commission;

(v) Monitor compact compliance of member states and provide compliance reports to the commission;

(vi) Establish additional committees as necessary; and

(vii) Other duties as provided in rules or bylaws.

(5)(a) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rule-making provisions in Article IX of this compact.

(b) The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:

(i) Noncompliance of a member state with its obligations under the compact;

(ii) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(iii) Current, threatened, or reasonably anticipated litigation;

(iv) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(v) Accusing any person of a crime or formally censuring any person;

(vi) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(vii) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(viii) Disclosure of investigative records compiled for law enforcement purposes;

(ix) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(x) Matters specifically exempt from disclosure by federal or member state statute.

(c) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(d) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(6)(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(d) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and

the report of the audit shall be included in and become part of the annual report of the commission.

(7)(a) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this subsection shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(b) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

#### **ARTICLE VIII - DATA SYSTEM**

(1) The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(2) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

- (a) Identifying information;
- (b) Licensure data;
- (c) Adverse actions against a license or compact privilege;
- (d) Nonconfidential information related to alternative program participation;

(e) Any denial of application for licensure, and the reason(s) for such denial; and

(f) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(3) Investigative information pertaining to a licensee in any member state will only be available to other party states.

(4) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(5) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

EIGHTY SEVENTH DAY, APRIL 5, 2017

(6) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

#### **ARTICLE IX - RULE MAKING**

(1) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this Article IX and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(2) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(3) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(4) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rule making:

(a) On the web site of the commission or other publicly accessible platform; and

(b) On the web site of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(5) The notice of proposed rule making shall include:

(a) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(b) The text of the proposed rule or amendment and the reason for the proposed rule;

(c) A request for comments on the proposed rule from any interested person; and

(d) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(6) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(7) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(a) At least twenty-five persons;

(b) A state or federal governmental subdivision or agency; or

(c) An association having at least twenty-five members.

(8) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(a) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(b) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(c) All hearings will be recorded. A copy of the recording will be made available on request.

(d) Nothing in this Article IX shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this Article IX.

(9) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(10) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(11) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rule-making record and the full text of the rule.

(12) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rule-making procedures provided in the compact and in this Article IX shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(a) Meet an imminent threat to public health, safety, or welfare;

(b) Prevent a loss of commission or member state funds;

(c) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(d) Protect public health and safety.

(13) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the web site of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

#### **ARTICLE X - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

(1) Oversight. (a) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(b) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(c) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(2) Default, technical assistance, and termination. (a) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(i) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and/or any other action to be taken by the commission; and

(ii) Provide remedial training and specific technical assistance regarding the default.

(b) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(d) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(e) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(f) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(3) Dispute resolution. (a) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(b) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(4) Enforcement. (a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(b) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(c) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

#### **ARTICLE XI - DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

(1) The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rule-making powers necessary to the implementation and administration of the compact.

(2) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the

commission shall have the full force and effect of law on the day the compact becomes law in that state.

(3) Any member state may withdraw from this compact by enacting a statute repealing the same.

(a) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(b) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(4) Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(5) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

#### **ARTICLE XII - CONSTRUCTION AND SEVERABILITY**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

**NEW SECTION. Sec. 836.** A new section is added to chapter 18.74 RCW to read as follows:

##### **COMPACT PRIVILEGE—FEES.**

(1) The secretary, in consultation with the board, shall establish fees pursuant to RCW 43.70.250 for physical therapists and physical therapist assistants seeking to practice in this state by use of compact privilege as defined in section 1 of this act. At the time of applying for compact privilege in this state, the applicant shall comply with established fee requirements.

(2) The fees established in subsection (1) of this section must be an amount sufficient to cover the state's monetary obligations as a member state to the physical therapy licensure compact.

**NEW SECTION. Sec. 837.** A new section is added to chapter 18.74 RCW to read as follows:

The board shall not disseminate any criminal history information gained through a federal background check, ordered pursuant to section 1 of this act, the physical therapy licensure compact, to the physical therapy compact commission or another state or state licensure board.

**Sec. 838.** RCW 18.74.050 and 1996 c 191 s 59 are each amended to read as follows:

(1) The secretary shall furnish a license upon the authority of the board to any person who applies and who has qualified under the provisions of this chapter. At the time of applying, the applicant shall comply with administrative procedures, administrative requirements, and fees established pursuant to RCW 43.70.250 and 43.70.280. No person registered or licensed on July 24, 1983, as a physical therapist shall be required to pay an additional fee for a license under this chapter.

**(2) No fees collected pursuant to subsection (1) of this section may be used to meet the state's monetary obligations as a member state to the physical therapy licensure compact.**

EIGHTY SEVENTH DAY, APRIL 5, 2017

**Sec. 839.** RCW 18.74.090 and 2007 c 98 s 10 are each amended to read as follows:

(1) A person who is not licensed with the secretary of health as a physical therapist under the requirements of this chapter shall not represent him or herself as being so licensed and shall not use in connection with his or her name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he or she is a physical therapist. No person may practice physical therapy without first having a valid license. Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his or her county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the board.

(2) No person assisting in the practice of physical therapy may use the title "physical therapist assistant," the letters "PTA," or any other words, abbreviations, or insignia in connection with his or her name to indicate or imply, directly or indirectly, that he or she is a physical therapist assistant without being licensed in accordance with this chapter as a physical therapist assistant.

(3) Subsections (1) and (2) of this section do not apply to an individual who is authorized to practice as a physical therapist or work as a physical therapist assistant by compact privilege as defined in section 1 of this act.

**Sec. 840.** RCW 18.74.150 and 2013 c 280 s 1 are each amended to read as follows:

(1) It is unlawful for any person to practice or in any manner hold himself or herself out to practice physical therapy or designate himself or herself as a physical therapist or physical therapist assistant, unless he or she is licensed in accordance with this chapter or has unencumbered compact privilege as defined in section 1 of this act.

(2) This chapter does not restrict persons licensed under any other law of this state from engaging in the profession or practice for which they are licensed, if they are not representing themselves to be physical therapists, physical therapist assistants, or providers of physical therapy.

(3) The following persons are exempt from licensure as physical therapists under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapy education while under direct supervision of a licensed physical therapist;

(b) A physical therapist while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist licensed in another United States jurisdiction, or a foreign-educated physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty days in a calendar year.

(4) The following persons are exempt from licensure as physical therapist assistants under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist assistant in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical

therapist assistant education while under direct supervision of a licensed physical therapist or licensed physical therapist assistant;

(b) A physical therapist assistant while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist assistant licensed in another United States jurisdiction, or a foreign-educated physical therapist assistant credentialed in another country, or a physical therapist assistant who is teaching or participating in an educational seminar of no more than sixty days in a calendar year.

**Sec. 841.** RCW 43.70.320 and 2015 c 70 s 39 are each amended to read as follows:

(1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, compact privileges, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190 shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department and implementing and administering the medical marijuana authorization database established in RCW 69.51A.230 shall be paid from the account as authorized by legislative appropriation, except as provided in subsections (4) and (5) of this section. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

(4) The fees received by the department from applicants for compact privilege under section 1 of this act must be used for the purpose of meeting financial obligations imposed on the state as a result of this state's participation in the physical therapy licensure compact.

(5) The secretary shall, at the request of a board or commission as applicable, spend unappropriated funds in the health professions account that are allocated to the requesting board or commission to meet unanticipated costs of that board or commission when revenues exceed more than fifteen percent over the department's estimated six-year spending projections for the requesting board or commission. Unanticipated costs shall be limited to spending as authorized in subsection (3) of this section for anticipated costs.

NEW SECTION. **Sec. 842.** Sections 1 and 2 of this act shall be known and cited as the physical therapy licensure compact."

On page 1, line 2 of the title, after "compact;" strike the remainder of the title and insert "amending RCW 18.74.050, 18.74.090, 18.74.150, and 43.70.320; adding new sections to chapter 18.74 RCW; and creating a new section."

#### MOTION

Senator Padden moved that the following floor amendment no. 192 by Senator Padden be adopted:

On page 13, line 16 of the amendment, after "(2)" insert "Notwithstanding subsection (1) of Article IX, the board shall review the rules of the commission. The board may reject or approve and adopt the rules of the commission as rules of the board. The state of Washington is subject to a rule of the

commission only if the rule of the commission is adopted by the board and the rule does not violate any right guaranteed by the state Constitution or the United States Constitution.

(3)"

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

Senators Padden and Rivers spoke in favor of adoption of the amendment to the striking amendment.

Senator Cleveland spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 192 by Senator Padden on page 12, line 16 to striking amendment no. 181 to House Bill No. 1278.

The motion by Senator Padden carried and floor amendment no. 192 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 181 by Senator Rivers as amended to House Bill No. 1278.

The motion by Senator Rivers carried and floor striking amendment no. 181 as amended was adopted by voice vote.

#### MOTION

On motion of Senator Rivers, the rules were suspended, House Bill No. 1278 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, Cleveland and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1278 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1278 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Liias, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Kuderer, McCoy, Ranker, Takko and Wellman

Excused: Senator Saldaña

HOUSE BILL NO. 1278, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1754, by Representatives Klippert and Hayes

Prioritizing sex offender treatment based on the offender's risk to reoffend.

The measure was read the second time.

#### MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1754.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1754 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2058, by House Committee on Transportation (originally sponsored by Representative Harmsworth)

Creating procedures for the redemption of certain vehicles that are towed from accident scenes by registered tow truck companies when the vehicle owner is admitted as a patient in a hospital due to the accident.

The measure was read the second time.

#### MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 2058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2058.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2058 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

EIGHTY SEVENTH DAY, APRIL 5, 2017

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 2058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1813, by House Committee on Transportation (originally sponsored by Representatives Kloba and Harmsworth)

Aligning existing definitions and practices to establish a uniform process for updating addresses of record and make conforming amendments to statutes administered by the department of licensing.

The measure was read the second time.

#### MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1813.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1813 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darnelle, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5838, by Senators Rossi, Kuderer, Palumbo, Braun, Hunt, Fain, O'Ban, Hawkins, Brown, Sheldon, Rivers, Zeiger, Angel, Bailey, Honeyford, Miloscia, Walsh, Wilson, Becker, Warnick, Mullet and Hobbs

Concerning the capital construction of and bonding for addressing the facilities maintenance backlog for the state parks and recreation commission.

#### MOTION

On motion of Senator Rossi, Substitute Senate Bill No. 5838 was substituted for Senate Bill No. 5838 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Rossi moved that the following floor striking amendment no. 188 by Senators Fain, Frockt, Mullet and Rossi be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 843.** Park lands and park facilities are a vital component of the future health and prosperity of the state. In order to ensure that the state continues to be able to provide high quality park, recreation, and open space for the public, it is the intent of the legislature through this act to provide funding for capital projects to help overcome the extensive backlog of maintenance needs at state parks. This new source of funding for the critical capital needs of the state's parks furthers the mission of recreation and outdoor education and is intended to enhance the ability of the state parks and recreation commission, over the next eight years, to fulfill its critical role in providing recreational access for the state's youth and public as they enjoy the natural heritage of Washington.

**NEW SECTION. Sec. 844.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the state issued under this chapter.

(2) "Commission" means the state parks and recreation commission defined in RCW 79A.05.010.

**NEW SECTION. Sec. 845.** (1) With the exception of subsection (2) of this section, for the purpose of providing needed capital improvements consisting of the predesign, design, maintenance, construction, modification, renovation, modifying existing structures to meet current and future needs, equipping, and other improvement of state buildings and facilities for the commission, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five hundred million dollars, or as much thereof as may be required, to finance all or a part of the cost of these projects and all costs incidental thereto.

(2) Proceeds from these bonds may not be used for any expenditures to any part of the cross-state trail east of the Columbia river known by the names of the Milwaukee Road corridor, John Wayne trail or iron horse trail, or for the Columbia Plateau trail south of the Turnbull national wildlife refuge where the scablands nature trail and the Columbia Plateau trail meet and north of the Snake river junction trailhead. Proceeds from these bonds may not be used for any expenditures pertaining to any part of trails acquired by the commission after the effective date of this section.

(3) Proceeds from these bonds may not be used to purchase or acquire any new land.

(4) Bonds authorized in this section shall be sold in the manner, at the time or times, in amounts, and at such prices as the state finance committee shall determine.

(5) No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(6) The bonds issued under the authority of this section shall be known as Washington's state parks future bonds.

**NEW SECTION. Sec. 846.** It is the intent of the legislature that the proceeds of new bonds authorized in this chapter will be appropriated in phases over five biennia, beginning with the 2017-2019 biennium, to provide additional funding for capital projects and facilities of the commission. This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after four biennia, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued.

**NEW SECTION. Sec. 847.** The commission shall prepare a reporting structure for use in tracking the success and progress of implementing this chapter. Reports must be submitted concurrent with the office of financial management requirements for agency biennial budget requests, including submittal to the appropriate fiscal committees of the legislature, and at a minimum contain the following:

- (1) The total anticipated project list to be funded with this chapter, with updates provided each biennia;
- (2) A list of the subsequent biennia project proposals including those with completed designs and completed permit submittals;
- (3) The accomplishments to date, with projected and actual spending on projects funded by this chapter; and
- (4) The overall facility condition index, reflecting changes in condition as expenditures are made.

**NEW SECTION. Sec. 848.** (1) The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds provided for in this chapter, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

(2) Bonds issued under this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

**NEW SECTION. Sec. 849.** (1) The proceeds from the sale of the bonds authorized in section 3 of this act shall be deposited in the state building construction account created in RCW 43.83.020.

(2) The treasurer shall transfer bond proceeds deposited in the state building construction account into the Daniel J. and Nancy Evans state parks preservation account created in section 13 of this act at various times and in various amounts necessary to support authorized expenditures from the account.

(3) The proceeds shall be used exclusively for the purposes identified in section 3 of this act and for the payment of the expenses incurred in connection with the sale and issuance of the bonds.

**NEW SECTION. Sec. 850.** (1) The legislature intends to use the proceeds from the sale of bonds issued under this chapter for the projects identified during the 2017-2019, 2019-2021, 2021-2023, 2023-2025, and 2025-2027 biennia and for other projects that maintain access to commission property or facilities.

(2) The legislature intends that the proceeds from the sale of the bonds authorized in section 3 of this act will not be in addition to the proceeds from the sale of bonds authorized by the 2017-2019 bond bill, chapter . . . (Substitute Senate Bill No. 5090), Laws of 2017 and by bills authorizing bond issuance to support future capital budget appropriations.

**NEW SECTION. Sec. 851.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in this chapter.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in

the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in this chapter.

(3) On each date on which any interest or principal and interest payment is due on bonds issued under this chapter, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 852.** The bonds authorized by this chapter constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

**NEW SECTION. Sec. 853.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized under this chapter, and section 10 of this act shall not be deemed to provide an exclusive method for payment.

**NEW SECTION. Sec. 854.** This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and is supplemental and additional to powers conferred by other laws. The issuance of bonds under this chapter shall not be deemed to be the only method to fund projects under this chapter.

**NEW SECTION. Sec. 855.** The Daniel J. and Nancy Evans state parks preservation account is created in the state treasury. Proceeds from the bonds issued under section 3 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for those purposes identified in section 3 of this act.

**NEW SECTION. Sec. 856.** This act may be known and cited as the securing the future of Washington's state parks bonding act.

**NEW SECTION. Sec. 857.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 858.** Sections 1 through 14 of this act constitute a new chapter in Title 79A RCW."

On page 1, line 3 of the title, after "commission;" strike the remainder of the title and insert "and adding a new chapter to Title 79A RCW."

## MOTION

Senator Kuderer moved that the following floor amendment no. 189 by Senator Kuderer to floor striking amendment no. 188 be adopted:

On page 1, line 24, strike "With the exception of subsection (2) of this section, for", and insert "For".

One page 2, line 4, strike all of subsection (2).

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

Senators Kuderer, Takko and Keiser spoke in favor of adoption of the amendment to the striking amendment.

Senator Rossi spoke against adoption of the amendment to the striking amendment.

## EIGHTY SEVENTH DAY, APRIL 5, 2017

The President declared the question before the Senate to be the adoption of floor amendment no. 189 by Senator Kuderer on page 1, line 24 to floor striking amendment no. 188.

The motion by Senator Kuderer did not carry and floor amendment no. 189 was not adopted by voice vote.

Senator Rossi spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 188 by Senators Fain, Frockt, Mullet and Rossi to Substitute Senate Bill No. 5838.

The motion by Senator Rossi carried and floor striking amendment no. 188 was adopted by voice vote.

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute Senate Bill No. 5838 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rossi spoke in favor of passage of the bill.

## PARLIAMENTARY INQUIRY

Senator Liias: "Mr. President, in section 3 of the bill, it appears to authorize additional indebtedness for the state and I am asking what the number of votes is required for final passage of Engrossed Substitute Senate Bill No. 5838?"

## RULING BY THE PRESIDENT

President Habib: "Senator Liias, the measure before the Senate draws upon the state's bonding authority and would require a super majority of thirty votes."

Senators Schoesler, Sheldon, Becker, Frockt, Warnick, Angel, Baumgartner, Walsh, Mullet and Pearson spoke in favor of passage of the bill.

Senators Pedersen, Carlyle, Rolfes, Takko, Chase and Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5838.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5838 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Conway, Erickson, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Ranker, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Darneille, Hasegawa, Liias, McCoy, Nelson, Pedersen, Rolfes and Wellman

Excused: Senator Saldaña

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5838,** having received the required 3/5ths majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1819,** by House Committee on Appropriations (originally sponsored by Representatives Dent, Senn, Kagi, Griffey, Johnson and McBride)

Reducing certain documentation and paperwork requirements in order to improve children's mental health and safety.

The measure was read the second time.

## MOTION

Senator O'Ban moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 859.** The legislature finds that a prioritized recommendation of the children's mental health work group, as reported in December 2016, is to reduce burdensome and duplicative paperwork requirements for providers of children's mental health services. This recommendation is consistent with the recommendations of the behavioral health workforce assessment of the workforce training and education coordinating board to reduce time-consuming documentation requirements and the behavioral and primary health regulatory alignment task force to streamline regulations and reduce the time spent responding to inefficient and excessive audits.

The legislature further finds that duplicative and overly prescriptive documentation and audit requirements negatively impact the adequacy of the provider network by reducing workforce morale and limiting the time available for patient care. Such requirements create costly barriers to the efficient provision of services for children and their families. The legislature also finds that current state regulations are often duplicative or conflicting with research-based models and other state-mandated treatment models intended to improve the quality of services and ensure positive outcomes. These barriers can be reduced while creating a greater emphasis on quality, outcomes, and safety.

The legislature further finds that social workers serving children are encumbered by burdensome paperwork requirements which can interfere with the effective delivery of services.

Therefore, the legislature intends to require the department of social and health services to take steps to reduce paperwork, documentation, and audit requirements that are inefficient or duplicative for social workers who serve children and for providers of mental health services to children and families, and to encourage the use of effective treatment models to improve the quality of services.

**NEW SECTION. Sec. 860.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must immediately perform a review of its rules, policies, and procedures related to the documentation requirements for behavioral health services. Rules adopted by the department relating to the provision of behavioral health services must:

(a) Identify areas in which duplicative or inefficient documentation requirements can be eliminated or streamlined for providers;

(b) Limit prescriptive requirements for individual initial assessments to allow clinicians to exercise professional judgment to conduct age-appropriate, strength-based psychosocial assessments, including current needs and relevant history according to current best practices;

(c) By April 1, 2018, provide a single set of regulations for agencies to follow that provide mental health, substance use disorder, and co-occurring treatment services;

(d) Exempt providers from duplicative state documentation requirements when the provider is following documentation requirements of an evidence-based, research-based, or state-mandated program that provides adequate protection for patient safety; and

(e) Be clear and not unduly burdensome in order to maximize the time available for the provision of care.

(2) Subject to the availability of amounts appropriated for this specific purpose, audits conducted by the department relating to provision of behavioral health services must:

(a) Rely on a sampling methodology to conduct reviews of personnel files and clinical records based on written guidelines established by the department that are consistent with the standards of other licensing and accrediting bodies;

(b) Treat organizations with multiple locations as a single entity. The department must not require annual visits at all locations operated by a single entity when a sample of records may be reviewed from a centralized location;

(c) Share audit results with behavioral health organizations to assist with their review process and, when appropriate, take steps to coordinate and combine audit activities;

(d) Coordinate audit functions between the department and the department of health to combine audit activities into a single site visit and eliminate redundancies;

(e) Not require information to be provided in particular documents or locations when the same information is included or demonstrated elsewhere in the clinical file, except where required by federal law; and

(f) Ensure that audits involving manualized programs such as wraparound with intensive services or other evidence or research-based programs are conducted to the extent practicable by personnel familiar with the program model and in a manner consistent with the documentation requirements of the program.

NEW SECTION. **Sec. 861.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the health care authority must immediately perform a review of its rules, policies, and procedures related to the documentation requirements for behavioral health services. Rules adopted by the health care authority relating to the provision of behavioral health services must:

(a) Identify areas in which duplicative or inefficient documentation requirements can be eliminated or streamlined for providers;

(b) Limit prescriptive requirements for individual initial assessments to allow clinicians to exercise professional judgment to conduct age-appropriate, strength-based psychosocial assessments, including current needs and relevant history according to current best practices;

(c) By April 1, 2018, provide a single set of regulations for agencies to follow that provide mental health, substance use disorder, and co-occurring treatment services;

(d) Exempt providers from duplicative state documentation requirements when the provider is following documentation requirements of an evidence-based, research-based, or state-mandated program that provides adequate protection for patient safety; and

(e) Be clear and not unduly burdensome in order to maximize the time available for the provision of care.

(2) Subject to the availability of amounts appropriated for this specific purpose, audits conducted by the health care authority relating to provision of behavioral health services must:

(a) Rely on a sampling methodology to conduct reviews of personnel files and clinical records based on written guidelines established by the health care authority that are consistent with the standards of other licensing and accrediting bodies;

(b) Treat organizations with multiple locations as a single entity. The health care authority must not require annual visits at all locations operated by a single entity when a sample of records may be reviewed from a centralized location;

(c) Share audit results with behavioral health organizations to assist with their review process and, when appropriate, take steps to coordinate and combine audit activities;

(d) Coordinate audit functions between the health care authority and the department of health to combine audit activities into a single site visit and eliminate redundancies;

(e) Not require information to be provided in particular documents or locations when the same information is included or demonstrated elsewhere in the clinical file, except where required by federal law; and

(f) Ensure that audits involving manualized programs such as wraparound with intensive services or other evidence or research-based programs are conducted to the extent practicable by personnel familiar with the program model and in a manner consistent with the documentation requirements of the program.

NEW SECTION. **Sec. 862.** (1) Subject to the availability of amounts appropriated for this specific purpose, the department of social and health services must immediately perform a review of casework documentation and paperwork requirements for social service specialists and other direct service staff with the children's administration who provide services to children. The review must identify areas in which duplicative or inefficient documentation and paperwork requirements can be eliminated or streamlined in order to allow social workers to spend greater amounts of time and attention on direct services to children and their families. The department must complete the review by November 1, 2017. Upon completion of the review, the department must take immediate steps to amend department rules and procedures accordingly.

(2) This section expires December 31, 2018.

NEW SECTION. **Sec. 863.** Section 2 of this act takes effect only if neither Substitute House Bill No. 1388 (including any later amendments or substitutes) nor Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section.

NEW SECTION. **Sec. 864.** Section 3 of this act takes effect only if Substitute House Bill No. 1388 (including any later amendments or substitutes) or Substitute Senate Bill No. 5259 (including any later amendments or substitutes) is signed into law by the governor by the effective date of this section."

On page 1, line 3 of the title, after "families;" strike the remainder of the title and insert "adding new sections to chapter 71.24 RCW; creating new sections; providing contingent effective dates; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1819.

The motion by Senator O'Ban carried and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute House Bill No. 1819 as amended by

EIGHTY SEVENTH DAY, APRIL 5, 2017

the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1819 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1819 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1819**, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1568**, by House Committee on Transportation (originally sponsored by Representatives Pettigrew, Macri, Harris, Bergquist and Farrell)

Creating Fred Hutch special license plates.

The measure was read the second time.

#### MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1568.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1568 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 1568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503**, by House Committee on Environment (originally sponsored by Representatives Short, Taylor, Van Werven, Buys, Haler, Kraft and Hargrove)

Preventing unfunded mandates involving on-site sewage systems from affecting local governments and property owners.

The measure was read the second time.

#### MOTION

On motion of Senator Short, the rules were suspended, Engrossed Substitute House Bill No. 1503 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Short and Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1503.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1503 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503**, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Padden: "Mr. President, I know that you know the history of the legislature but we just witnessed a very unique act in that the sponsor of that bill from the other body also is now representing the Senate as one of our Senators. I mean how often do we have, I mean what power to sponsor a bill in the other body and then be the floor manager here and get the bill passed?! So I just want to pay tribute to the gentlelady from the 7<sup>th</sup> District."

#### REPLY BY THE PRESIDENT

President Habib: "Senator Padden, I agree that is impressive, but I want to know, it would be interesting to know whether it has ever been the case that someone has voted on the same bill in both chambers. That would have been impressive,

not to take anything away from now Senator Short. But thank you for pointing that out."

#### SECOND READING

HOUSE BILL NO. 1107, by Representatives Haler, Wylie, Riccelli, Shea, Stanford, Robinson, Fey, Tarleton and Pollet

Eliminating the term "branch" as an identifying factor for extensions of the public institutions of higher education.

The measure was read the second time.

#### MOTION

On motion of Senator Wilson, the rules were suspended, House Bill No. 1107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, Palumbo and Carlyle spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1107.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1107 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Saldaña

HOUSE BILL NO. 1107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1149, by House Committee on Transportation (originally sponsored by Representatives Chapman, Clibborn, Orcutt and Fey)

Providing an exemption from certain maximum vehicle length limitations. Revised for 1st Substitute: Providing exemptions from certain maximum vehicle length limitations.

The measure was read the second time.

#### MOTION

On motion of Senator King, the rules were suspended, Substitute House Bill No. 1149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Billig, Senator Llias was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1149.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1149 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Llias and Saldaña

SUBSTITUTE HOUSE BILL NO. 1149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1853, by Representatives Doglio, Hudgins, Wilcox and Haler

Removing references to specific nonoperational historical facilities from state statute.

The measure was read the second time.

#### MOTION

On motion of Senator Miloscia, the rules were suspended, House Bill No. 1853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Hunt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1853.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1853 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Llias and Saldaña

HOUSE BILL NO. 1853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

**THIRD READING**  
**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**  
**MOTION**

Senator Zeiger moved that RICARDO E. SANCHEZ, Gubernatorial Appointment No. 9236, be confirmed as a member of the State Board of Education.

Senators Zeiger, Fain and King spoke in favor of passage of the motion.

**APPOINTMENT OF RICARDO E. SANCHEZ**

The President declared the question before the Senate to be the confirmation of RICARDO E. SANCHEZ, Gubernatorial Appointment No. 9236, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of RICARDO E. SANCHEZ, Gubernatorial Appointment No. 9236, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senators Liias and Saldaña

RICARDO E. SANCHEZ, Gubernatorial Appointment No. 9236, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

**MOTION**

Senator O'Ban moved that PATRICK DOWD, Gubernatorial Appointment No. 9061, be confirmed as a Director of the Office of the Family and Children Ombudsman.

Senators O'Ban, Darneille and Walsh spoke in favor of passage of the motion.

**APPOINTMENT OF PATRICK DOWD**

The President declared the question before the Senate to be the confirmation of PATRICK DOWD, Gubernatorial Appointment No. 9061, as a Director of the Office of the Family and Children Ombudsman.

The Secretary called the roll on the confirmation of PATRICK DOWD, Gubernatorial Appointment No. 9061, as a Director of the Office of the Family and Children Ombudsman and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger  
Excused: Senator Saldaña

PATRICK DOWD, Gubernatorial Appointment No. 9061, having received the constitutional majority was declared confirmed as a Director of the Office of the Family and Children Ombudsman.

**MOTION**

On motion of Senator Fain, the Senate reverted to the fourth order of business.

**MESSAGES FROM THE HOUSE**

April 5, 2017

MR. PRESIDENT:  
The House has passed:

Senate Bill No. 5162,  
Substitute Senate Bill No. 5185,  
Substitute Senate Bill No. 5207,  
Senate Bill No. 5237,  
Substitute Senate Bill No. 5241,  
Substitute Senate Bill No. 5262,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 5, 2017

MR. PRESIDENT:  
The House has passed:

Senate Bill No. 5187,  
Senate Bill No. 5244,  
Substitute Senate Bill No. 5272,  
Substitute Senate Bill No. 5343,  
Substitute Senate Bill No. 5374,  
Senate Bill No. 5413,  
Substitute Senate Bill No. 5472,  
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 5, 2017

MR. PRESIDENT:  
The House has passed:

Senate Bill No. 5011,  
Substitute Senate Bill No. 5012,  
Senate Bill No. 5040,  
Engrossed Senate Bill No. 5042,  
Senate Bill No. 5075,  
Substitute Senate Bill No. 5083,  
Engrossed Senate Bill No. 5097,  
Senate Bill No. 5118,  
Substitute Senate Bill No. 5142,  
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

**MOTION**

At 5:00 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Thursday, April 6, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate