

NINETY THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia
Tuesday, April 11, 2017

The Senate was called to order at 10:03 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 Miss Jade Cheatham and Mr. Joshua Hammingh, presented the Colors. Miss Tri-Cities, Taylor Plunkett performed the National Anthem. The prayer was offered by Reverend Ross Holtz of Summit Church, Enumclaw.

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 fourth order of business.

MESSAGES FROM THE HOUSE

April 10, 2017

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1100,
HOUSE BILL NO. 1107,
SUBSTITUTE HOUSE BILL NO. 1121,
SUBSTITUTE HOUSE BILL NO. 1130,
HOUSE BILL NO. 1148,
SUBSTITUTE HOUSE BILL NO. 1149,
HOUSE BILL NO. 1166,
HOUSE BILL NO. 1195,
HOUSE BILL NO. 1198,
HOUSE BILL NO. 1204,
SUBSTITUTE HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1266,
HOUSE BILL NO. 1285,
SECOND SUBSTITUTE HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1344,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1351,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL
NO. 1375,
HOUSE BILL NO. 1449,
ENGROSSED HOUSE BILL NO. 1450,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548,
SUBSTITUTE HOUSE BILL NO. 1568,
ENGROSSED HOUSE BILL NO. 1728,
HOUSE BILL NO. 1754,
SUBSTITUTE HOUSE BILL NO. 1813,
SUBSTITUTE HOUSE BILL NO. 1820,
SUBSTITUTE HOUSE BILL NO. 1838,
HOUSE BILL NO. 1853,

SUBSTITUTE HOUSE BILL NO. 1877,
HOUSE BILL NO. 1907,
SUBSTITUTE HOUSE BILL NO. 2058,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 10, 2017

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5514,
SECOND SUBSTITUTE SENATE BILL NO. 5546,
and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 10, 2017

MR. PRESIDENT:

The House has passed:

Senate Bill No. 5039,
SUBSTITUTE SENATE BILL NO. 5069,
SUBSTITUTE SENATE BILL NO. 5077,
ENGROSSED SENATE BILL NO. 5128,
SUBSTITUTE SENATE BILL NO. 5196,
SENATE BILL NO. 5488,
SENATE BILL NO. 5662,
SUBSTITUTE SENATE BILL NO. 5835,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 10, 2017

MR. PRESIDENT:

The Speaker has signed:

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,
SENATE BILL NO. 5162,
SUBSTITUTE SENATE BILL NO. 5185,
SENATE BILL NO. 5187,
SUBSTITUTE SENATE BILL NO. 5207,
SENATE BILL NO. 5237,
SUBSTITUTE SENATE BILL NO. 5241,
SENATE BILL NO. 5244,
SUBSTITUTE SENATE BILL NO. 5262,
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.

BERNARD DEAN, Chief Clerk

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

INTRODUCTION AND FIRST READING

HB 1452 by Representatives Holy, Tarleton, Van Werven, Springer, Stambaugh, Haler, Pollet and Slatter
AN ACT Relating to the opportunity scholarship program; and amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090.

Referred to Committee on Ways & Means.

SHB 2138 by House Committee on Finance (originally sponsored by Representatives Kraft, Kirby, Lovick, Klippert, Smith, Haler and McDonald)
AN ACT Relating to tax relief for the construction of adapted housing for disabled veterans; amending RCW 82.14.820; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

2SHB 2143 by House Committee on Appropriations (originally sponsored by Representatives Haler, Hansen, Holy, Stanford and Muri)
AN ACT Relating to expanding opportunities for higher education students; amending RCW 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090; and adding a new chapter to Title 28B RCW.

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 Wellman moved adoption of the following resolution:

SENATE RESOLUTION
8653

By Senators Wellman, McCoy, Nelson, Kuderer, Mullet, Conway, Lias, Palumbo, Saldaña, Darneille, Ranker, and Frockt

WHEREAS, Zoe Sheill, an esteemed resident of Mercer Island, Washington, and a student at Mercer Island High School, has achieved national recognition for exemplary volunteer service by receiving a 2017 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Zoe Sheill earned this award by giving generously of her time and energy to her school's "Homeless Education and Living Project" (HELP) club, which she started at the beginning of her sophomore year in order to continue helping people whom she'd met while volunteering at homeless shelters during the summer; so far, Zoe and HELP have raised 3,100 dollars, donated 650 care packages, and created 1,200 sack lunches for homeless people in Seattle; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Sheill who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate and honor Ms. Zoe Sheill as a recipient of a Prudential Spirit of Community Award; recognize her outstanding record of volunteer service, peer leadership, and community spirit; and extend best wishes for her continued success and happiness.

Senator Wellman spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8653.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Sheill family who were seated in the gallery.

MOTION

At 10:17 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

Senator Becker announced a meeting of the Majority Coalition Caucus.

AFTERNOON SESSION

The Senate was called to order at 2:16 p.m. by President Habib.

MOTION

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

SECOND READING

HOUSE BILL NO. 1274, by Representatives Sawyer, Vick, Condotta, Kloba and Ryu

Concerning the member requirement for bona fide charitable or nonprofit organizations.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 1274 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Baumgartner 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. 1274.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1274 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1274, 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. 1717, by House Committee on Technology & Economic Development (originally sponsored by Representatives Smith, Morris, Harmsworth, DeBolt, Hudgins, Van Werven, Santos and Stanford)

Concerning state agency collection, use, and retention of biometric identifiers.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Substitute House Bill No. 1717 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 Substitute House Bill No. 1717.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1717 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1717, 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. 1395, by Representatives Peterson and Koster

Allowing public transportation benefit area authorities to use job order contracts and procedure.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, House Bill No. 1395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias 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. 1395.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1395 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1395, 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. 1829, by Representatives Hudgins, Johnson, Goodman, Klippert, Smith, Dolan, Haler, Koster, Volz, Kraft, Irwin, Stanford, Tarleton, Muri, Ormsby and McBride

Concerning the exemption from public disclosure of information regarding public and private computer and telecommunications networks.

The measure was read the second time.

MOTION

On motion of Senator Erickson, the rules were suspended, House Bill No. 1829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Erickson 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. 1829.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1829 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Luias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfsen, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 1829, 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. 1109, by House Committee on Appropriations (originally sponsored by Representatives Orwall, McCabe, Griffey, Hayes, McBride, Frame, Goodman, Klippert, Stanford, Stambaugh, Jinkins, Fey, Harmsworth, Dolan, Sells, Muri, Gregerson, McDonald, Wylie, Kilduff, Kloba, Tarleton, Pollet, Farrell, Kagi, Riccelli, Senn, Peterson, Bergquist and Doglio)

Supporting victims of sexual assault.

The measure was read the second time.

MOTION

Senator Padden 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:

"PART I - WASHINGTON SEXUAL ASSAULT KIT INITIATIVE PROJECT

NEW SECTION. Sec. 1. A new section is added to chapter 36.28A RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall establish and administer the Washington sexual assault kit initiative project.

(2) The project is created for the purpose of providing funding through a competitive grant program to support multidisciplinary community response teams engaged in seeking a just resolution to sexual assault cases resulting from evidence found in previously unsubmitted sexual assault kits.

(3) In administering the project, the Washington association of sheriffs and police chiefs has the following powers and duties:

(a) Design and implement the grant project with the elements included in this section;

(b) Screen and select eligible applicants to receive grants;

(c) Award grants and disburse funds to at least two eligible applicants, at least one located in western Washington and at least one located in eastern Washington;

(d) Adopt necessary policies and procedures to implement and administer the program;

(e) Monitor use of grant funds and compliance with the grant requirements;

(f) Create and implement reporting requirements for grant recipients;

(g) Facilitate the hosting of a sexual assault kit summit in the state of Washington through a grant recipient or directly through the Washington association of sheriffs and police chiefs, subject to the availability of funds, which may include a combination of public and private dollars allocated for the particular purpose; and

(h) Report to the appropriate committees of the legislature, the joint legislative task force on sexual assault forensic examination best practices, and the governor by December 1, 2017, and each December 1st of each subsequent year the project is funded and operating, regarding the status of grant awards, the progress of the grant recipients toward the identified goals in this section, the data required by subsection (4) of this section, and any other relevant information or recommendations related to the project or sexual assault kit policies.

(4) Grant recipients must:

(a) Perform an inventory of all unsubmitted sexual assault kits in the jurisdiction's possession regardless of where they are stored and submit those sexual assault kits for forensic analysis through the Washington state patrol or another laboratory with the permission of the Washington state patrol;

(b) Establish a multidisciplinary cold case or sexual assault investigation team or teams for follow-up investigations and prosecutions resulting from evidence from the testing of previously unsubmitted sexual assault kits. Cold case or sexual assault investigative teams must: Include prosecutors, law enforcement, and victim advocates for the duration of the project; use victim-centered, trauma-informed protocols, including for victim notification; and use protocols and policies established by the Washington association of sheriffs and police chiefs. The grant funds may support personnel costs, including hiring and overtime, to allow for adequate follow-up investigations and prosecutions. Grant awards must be prioritized for eligible applicants with a commitment to colocate assigned prosecutors, law enforcement, and victim advocates for the duration of the grant program;

(c) Require participants in the multidisciplinary cold case or sexual assault investigation team or teams to participate in and complete specialized training for victim-centered, trauma-informed investigation and prosecutions;

(d) Identify and address individual level, organizational level, and systemic factors that lead to unsubmitted sexual assault kits in the jurisdiction and development of a comprehensive strategy to address the issues, including effecting changes in practice, protocol, and organizational culture, and implementing evidence-based, victim-centered, trauma-informed practices and protocols;

(e) Appoint an informed representative to attend meetings of and provide information and assistance to the joint legislative task force on sexual assault forensic examination best practices;

(f) Identify and maintain consistent, experienced, and committed leadership of their sexual assault kit initiative; and

(g) Track and report the following data to the Washington association of sheriffs and police chiefs, in addition to any data required by the Washington association of sheriffs and police chiefs: The number of kits inventoried; the dates collected and submitted for testing; the number of kits tested; the number of kits with information eligible for entry into the combined DNA index system; the number of combined DNA index system hits; the number of identified suspects; including serial perpetrators; the number of investigations conducted and cases reviewed; the number of charges filed; and the number of convictions.

(5) Subject to the availability of amounts appropriated for this specific purpose, the project may also allocate funds for grant recipients to:

(a) Create and employ training in relation to sexual assault evidence, victimization and trauma response, and other related

topics to improve the quality and outcomes of sexual assault investigations and prosecutions;

(b) Enhance victim services and support for past and current victims of sexual assault; or

(c) Develop evidence collection, retention, victim notification, and other protocols needed to optimize data sharing, case investigation, prosecution, and victim support.

(6) For the purposes of this section:

(a) "Eligible applicants" include: Law enforcement agencies, units of local government, or combination of units of local government, prosecutor's offices, or a governmental nonlaw enforcement agency acting as fiscal agent for one of the previously listed types of eligible applicants. A combination of jurisdictions, including contiguous jurisdictions of multiple towns, cities, or counties, may create a task force or other entity for the purposes of applying for and receiving a grant, provided that the relevant prosecutors and law enforcement agencies are acting in partnership in complying with the grant requirements.

(b) "Project" means the Washington sexual assault kit initiative project created in this section.

(c) "Unsubmitted sexual assault kit" are sexual assault kits that have not been submitted to a forensic laboratory for testing with the combined DNA index system-eligible DNA methodologies as of the effective date of the mandatory testing law in RCW 70.125.090. Unsubmitted sexual assault kits includes partially tested sexual assault kits, which are sexual assault kits that have only been subjected to serological testing, or that have previously been tested only with noncombined DNA index system-eligible DNA methodologies. The project does not include untested sexual assault kits that have been submitted to forensic labs for testing with combined DNA index system-eligible DNA methodologies but are delayed for testing as a result of a backlog of work in the laboratory.

Sec. 2. 2015 c 247 s 2 (uncodified) is amended to read as follows:

(1)(a) ((A)) The joint legislative task force on sexual assault forensic examination best practices is established ((to review)) for the purpose of reviewing best practice models for managing all aspects of sexual assault examinations and for reducing the number of untested sexual assault examination kits in Washington state that were collected prior to the effective date of this section.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state forensic investigations council;

(XI) A public institution of higher education as defined in RCW 28B.10.016; ((and))

(XII) A private higher education institution as defined in RCW 28B.07.020; and

(XIII) The office of the attorney general; and

(B) Two members representing survivors of sexual assault.

(b) The task force shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the task force.

(2) The duties of the task force include, but are not limited to:

(a) Researching and determining the number of untested sexual assault examination kits in Washington state;

(b) Researching the locations where the untested sexual assault examination kits are stored;

(c) Researching, reviewing, and making recommendations regarding legislative policy options for reducing the number of untested sexual assault examination kits;

(d) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault examination kit is collected to the conclusion of the investigation and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps; and

(e) Researching, identifying, and making recommendations for securing nonstate funding for testing the sexual assault examination kits, and reporting on progress made toward securing such funding.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The first meeting of the task force must occur prior to October 1, 2015. The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.

(7) The task force must meet no less than twice annually.

(8) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by ((September 30th)) December 1st of ((each subsequent)) the following year.

(9) This section expires June 30, 2018.

PART II - TRAINING

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall provide ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. The training must be based on a victim-centered, trauma-informed approach to responding to sexual assault. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during abuse investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of victimization; require

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investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; and address documentation of investigative interviews.

(3) In developing the training, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault and the neurobiology of trauma. The commission shall consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with sexual assault victims in the criminal justice system.

(4) The commission shall develop the training and begin offering it by July 1, 2018. Officers assigned to regularly investigate sexual assault involving adult victims shall complete the training within one year of being assigned or by July 1, 2020, whichever is later.

NEW SECTION. Sec. 4. A new section is added to chapter 43.101 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the commission shall incorporate victim-centered, trauma-informed approaches to policing in the basic law enforcement training curriculum. In modifying the curriculum, the commission shall seek advice from the Washington coalition of sexual assault programs and other experts on sexual assault and the neurobiology of trauma.

NEW SECTION. Sec. 5. A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop training on a victim-centered, trauma-informed approach to interacting with victims and responding to sexual assault calls. The curriculum must: Be designed for commissioned patrol officers not regularly assigned to investigate sexual assault cases; be designed for deployment and use within individual law enforcement agencies; include features allowing for it to be used in different environments, which may include multimedia or video components; allow for law enforcement agencies to host it in small segments at different times over several days or weeks, including roll calls. The training must include components on available resources for victims including, but not limited to, material on and references to community-based victim advocates.

(2) In developing the training, the commission shall seek advice from the Washington association of sheriffs and police chiefs, the Washington coalition of sexual assault programs, and experts on sexual assault and the neurobiology of trauma.

(3) Beginning in 2018, all law enforcement agencies shall annually host the training for commissioned peace officers. All law enforcement agencies shall, to the extent feasible, consult with and feature local community-based victim advocates during the training.

PART III - FUNDING

NEW SECTION. Sec. 6. (1) The sexual assault prevention and response account is created in the state treasury. All legislative appropriations and transfers; gifts, grants, and other donations; and all other revenues directed to the account must be deposited into the sexual assault prevention and response account. Moneys in the account may only be spent after appropriation.

(2) The legislature must prioritize appropriations from the account for: The Washington sexual assault kit initiative project created in section 1 of this act; the office of crime victims advocacy for the purpose of providing support and services, including educational and vocational training, to victims of sexual assault and trafficking; victim-centered, trauma-informed

training for prosecutors, law enforcement, and victim advocates, including, but not limited to, the training in sections 3 through 5 of this act; the Washington state patrol for the purpose of funding the statewide sexual assault kit tracking system and funding the forensic analysis of sexual assault kits.

Sec. 7. RCW 43.330.470 and 2016 c 173 s 9 are each amended to read as follows:

(1) The Washington sexual assault kit program is created within the department for the purpose of accepting private funds ((conducting)) to fund forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for analysis as of July 24, 2015, and to fund other related programs aimed at improving the public's response to sexual assault. The director may accept gifts, grants, donations, or moneys from any source for deposit in the Washington sexual assault kit account created under subsection (2) of this section.

(2) The Washington sexual assault kit account is created in the custody of the state treasurer. Funds deposited in the Washington sexual assault kit account may be used for the Washington sexual assault kit program established under this section. The Washington sexual assault kit account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Except when otherwise specified, public funds deposited in the Washington sexual assault kit account must be transferred and used exclusively for the following:

(a) Eighty-five percent of the funds for the Washington state patrol bureau of forensic laboratory services for the purpose of conducting forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for forensic analysis as of July 24, 2015; and

(b) Fifteen percent of the funds for the office of crime victims advocacy in the department for the purpose of funding grants for sexual assault nurse examiner services and training.

(4)(a) Except as otherwise provided in (b) of this subsection, private funds donated to and deposited in the Washington sexual assault kit account must be transferred and used exclusively for the following:

(i) Thirty percent for the Washington association of sheriffs and police chiefs for the purpose of funding the Washington sexual assault kit initiative project created in section 1 of this act;

(ii) Thirty percent for the Washington state patrol bureau of forensic laboratory services for the purpose of conducting forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for forensic analysis as of July 24, 2015, unless the Washington state patrol bureau of forensic laboratory services deems that the funds are not necessary for this purpose, in which case the funds shall be divided equally for the purposes outlined in (a)(i), (iii), and (iv) of this subsection;

(iii) Thirty percent for the criminal justice training commission for the training in sections 3 through 5 of this act;

(iv) Ten percent for the office of crime victims advocacy in the department for the purpose of providing services to victims of sexual assault and training for professionals interacting with and providing services to victims of sexual assault.

(b) With the consent of the department, a grantor of funds may enter into an agreement with the department for a different allocation of funds specified in (a) of this subsection, provided that the funds are distributed for the purpose of the program created in this section. Within thirty days of entering into an agreement under this subsection (4)(b), the department shall notify the sexual assault forensic examination best practices task force and the appropriate committees of the legislature.

(5) This section expires June 30, 2022.

Sec. 8. RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and 2016 c 112 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential

rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety

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employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 1 of the title, after "assault;" strike the remainder of the title and insert "amending RCW 43.330.470; amending 2015 c 247 s 2 (uncodified); reenacting and amending RCW 43.84.092; adding a new section to chapter 36.28A RCW; adding new sections to chapter 43.101 RCW; and creating a new section."

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 Substitute House Bill No. 1109.

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, Engrossed Substitute House Bill No. 1109 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 Engrossed Substitute House Bill No. 1109 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1109 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Lilia, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfe, Rossi, Saldaña.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, 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. 1086, by House Committee on Environment (originally sponsored by Representatives Blake, J. Walsh, Springer, Wilcox and Hargrove)

Promoting the completion of environmental impact statements within two years.

The measure was read the second time.

MOTION

Senator Erickson moved that the following committee striking amendment by the Committee on Energy, Environment & Telecommunications be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 9. The legislature finds that the analysis of environmental impacts required under the state environmental policy act adds value to government decision-making processes in Washington state and helps minimize the potential environmental harm coming from those government decisions. However, the legislature also recognizes that excessive delays in the environmental impact analysis process adds uncertainty and burdensome costs to those seeking to do business in the state of Washington. Therefore, it is the intent of the legislature to promote timely completion of state environmental policy act processes. In doing so, the legislature intends to restore balance between the need to carefully consider environmental impacts and the need to maintain the economic competitiveness of state businesses.

NEW SECTION. Sec. 10. A new section is added to chapter 43.21C RCW to read as follows:

(1) A lead agency shall aspire to prepare a final environmental impact statement required by RCW 43.21C.030(2) in as expeditious a manner as possible while not compromising the integrity of the analysis.

(a) For even the most complex government decisions associated with a broad scope of possible environmental impacts, a lead agency shall aspire to prepare a final environmental impact statement required by RCW 43.21C.030(2) within twenty-four months of a threshold determination of a probable significant, adverse environmental impact.

(b) Wherever possible, a lead agency shall aspire to far outpace the twenty-four month time limit established in this section for more commonplace government decisions associated with narrower and more easily identifiable environmental impacts.

(2) Beginning December 31, 2018, and every two years thereafter, the department of ecology must submit a report on the environmental impact statements produced by state agencies and local governments to the appropriate committees of the legislature. The report must include data on the average time, and document the range of time, it took to complete environmental impact statements within the previous two years.

(3) Nothing in this section creates any civil liability for a lead agency or creates a new cause of action against a lead agency."

On page 1, line 2 of the title, after "years;" strike the remainder of the title and insert "adding a new section to chapter 43.21C RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Energy, Environment & Telecommunications to Substitute House Bill No. 1086.

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

MOTION

On motion of Senator Erickson, the rules were suspended, Substitute House Bill No. 1086 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 Erickson and Carlyle 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. 1086 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1086 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Chase, Frockt, Lias, McCoy and Nelson

SUBSTITUTE HOUSE BILL NO. 1086, 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.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE HOUSE BILL NO. 1100,
HOUSE BILL NO. 1107,
SUBSTITUTE HOUSE BILL NO. 1121,
SUBSTITUTE HOUSE BILL NO. 1130,
HOUSE BILL NO. 1148,
SUBSTITUTE HOUSE BILL NO. 1149,
HOUSE BILL NO. 1166,
HOUSE BILL NO. 1195,
HOUSE BILL NO. 1198,
HOUSE BILL NO. 1204,
SUBSTITUTE HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1266,
HOUSE BILL NO. 1285,
SECOND SUBSTITUTE HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1344,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1351,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1375,
HOUSE BILL NO. 1449,
ENGROSSED HOUSE BILL NO. 1450,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1548,
SUBSTITUTE HOUSE BILL NO. 1568,
ENGROSSED HOUSE BILL NO. 1728,
HOUSE BILL NO. 1754,
SUBSTITUTE HOUSE BILL NO. 1813,
SUBSTITUTE HOUSE BILL NO. 1820,
SUBSTITUTE HOUSE BILL NO. 1838,
HOUSE BILL NO. 1853,
SUBSTITUTE HOUSE BILL NO. 1877,
HOUSE BILL NO. 1907,
SUBSTITUTE HOUSE BILL NO. 2058.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1520, by House Committee on Appropriations (originally sponsored by Representatives Tharinger, Short, Cody, Schmick and Springer)

Allowing alternative payment methodologies for critical access hospitals participating in the Washington rural health access preservation pilot.

The measure was read the second time.

MOTION

Senator Cleveland 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:

"Sec. 11. RCW 74.09.5225 and 2016 sp.s. c 31 s 2 are each amended to read as follows:

(1) Payments for recipients eligible for medical assistance programs under this chapter for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, shall be made based on allowable costs incurred during the year, when services are provided by a rural hospital certified by the centers for medicare and medicaid services as a critical access hospital, unless the critical access hospital is participating in the Washington rural health access preservation pilot described in subsection (2)(b) of this section. Any additional payments made by the authority for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs.

(2)(a) Beginning on July 24, 2005, except as provided in (b) of this subsection, a moratorium shall be placed on additional hospital participation in critical access hospital payments under this section. However, rural hospitals that applied for certification to the centers for medicare and medicaid services prior to January 1, 2005, but have not yet completed the process or have not yet been approved for certification, remain eligible for medical assistance payments under this section.

(b)(i) The purpose of the Washington rural health access preservation pilot is to develop an alternative service and payment system to the critical access hospital authorized under section 1820 of the social security act to sustain essential services in rural communities.

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(i) For the purposes of state law, any rural hospital approved by the department of health for participation in critical access hospital payments under this section that participates in the Washington rural health access preservation pilot identified by the state office of rural health and ceases to participate in critical access hospital payments may renew participation in critical access hospital associated payment methodologies under this section at any time.

((+)) (iii) The Washington rural health access preservation pilot is subject to the following requirements:

(A) In the pilot formation or development, the department of health, health care authority, and Washington state hospital association will identify goals for the pilot project before any hospital joins the pilot project;

(B) Participation in the pilot is optional and no hospital may be required to join the pilot;

(C) Before a hospital enters the pilot program, the health care authority must provide information to the hospital regarding how the hospital could end its participation in the pilot if the pilot is not working in its community; ((and))

(D) Payments for services delivered by public health care service districts participating in the Washington rural health access preservation pilot to recipients eligible for medical assistance programs under this chapter must be based on an alternative, value-based payment methodology established by the authority. Subject to the availability of amounts appropriated for this specific purpose, the payment methodology must provide sufficient funding to sustain essential services in the areas served, including but not limited to emergency and primary care services. The methodology must adjust payment amounts based on measures of quality and value, rather than volume. As part of the pilot, the health care authority shall encourage additional payers to use the adopted payment methodology for services delivered by the pilot participants to individuals insured by those payers;

(E) The department of health, health care authority, and Washington state hospital association will report interim progress to the legislature no later than December 1, 2018, and will report on the results of the pilot no later than six months following the conclusion of the pilot. The reports will describe any policy changes identified during the course of the pilot that would support small critical access hospitals; and

(F) Funds appropriated for the Washington rural health access preservation pilot will be used to help participating hospitals transition to a new payment methodology and will not extend beyond the anticipated three-year pilot period.

(3)(a) Beginning January 1, 2015, payments for recipients eligible for medical assistance programs under this chapter for services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to one hundred twenty-five percent of the hospital's fee-for-service rates, when services are provided by a rural hospital that:

(i) Was certified by the centers for medicare and medicaid services as a sole community hospital as of January 1, 2013;

(ii) Had a level III adult trauma service designation from the department of health as of January 1, 2014;

(iii) Had less than one hundred fifty acute care licensed beds in fiscal year 2011; and

(iv) Is owned and operated by the state or a political subdivision.

(b) The enhanced payment rates under this subsection shall be considered the hospital's medicaid payment rate for purposes of any other state or private programs that pay hospitals according to medicaid payment rates.

(c) Hospitals participating in the certified public expenditures program may not receive the increased reimbursement rates provided in this subsection (3) for inpatient services.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "pilot;" strike the remainder of the title and insert "amending RCW 74.09.5225; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1520.

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

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 1520 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 Cleveland and Rivers 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. 1520 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1520 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1520, 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. 1757, by Representatives Hayes and Pellicciotti

Addressing transient accommodations contaminated by methamphetamine.

The measure was read the second time.

MOTION

On motion of Senator Erickson, the rules were suspended, House Bill No. 1757 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Ericksen 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. 1757.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1757 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1757, 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. 1279, by House Committee on Education (originally sponsored by Representative Pettigrew)

Concerning school safety drills.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 13. RCW 28A.320.125 and 2013 c 14 s 1 are each amended to read as follows:

(1) The legislature considers it to be a matter of public safety for public schools and staff to have current safe school plans and procedures in place, fully consistent with federal law. The legislature further finds and intends, by requiring safe school plans to be in place, that school districts will become eligible for federal assistance. The legislature further finds that schools are in a position to serve the community in the event of an emergency resulting from natural disasters or man-made disasters.

(2) Schools and school districts shall consider the guidance provided by the superintendent of public instruction, including the comprehensive school safety checklist and the model comprehensive safe school plans that include prevention, intervention, all hazard/crisis response, and postcrisis recovery, when developing their own individual comprehensive safe school plans. Each school district shall adopt, no later than September 1, 2008, and implement a safe school plan consistent with the school mapping information system pursuant to RCW 36.28A.060. The plan shall:

- (a) Include required school safety policies and procedures;
- (b) Address emergency mitigation, preparedness, response, and recovery;

(c) Include provisions for assisting and communicating with students and staff, including those with special needs or disabilities;

(d) Use the training guidance provided by the Washington emergency management division of the state military department in collaboration with the Washington state office of the superintendent of public instruction school safety center and the school safety center advisory committee;

(e) Require the building principal to be certified on the incident command system;

(f) Take into account the manner in which the school facilities may be used as a community asset in the event of a community-wide emergency; and

(g) Set guidelines for requesting city or county law enforcement agencies, local fire departments, emergency service providers, and county emergency management agencies to meet with school districts and participate in safety-related drills.

(3) To the extent funds are available, school districts shall annually:

(a) Review and update safe school plans in collaboration with local emergency response agencies;

(b) Conduct an inventory of all hazardous materials;

(c) Update information on the school mapping information system to reflect current staffing and updated plans, including:

(i) Identifying all staff members who are trained on the national incident management system, trained on the incident command system, or are certified on the incident command system; and

(ii) Identifying school transportation procedures for evacuation, to include bus staging areas, evacuation routes, communication systems, parent-student reunification sites, and secondary transportation agreements consistent with the school mapping information system; and

(d) Provide information to all staff on the use of emergency supplies and notification and alert procedures.

(4) To the extent funds are available, school districts shall annually record and report on the information and activities required in subsection (3) of this section to the Washington association of sheriffs and police chiefs.

(5) School districts are encouraged to work with local emergency management agencies and other emergency responders to conduct one tabletop exercise, one functional exercise, and two full-scale exercises within a four-year period.

(6) (~~Schools shall conduct no less than one safety related drill each month that school is in session. Schools shall complete no less than one drill using the school mapping information system, three drills for lockdowns, one drill for shelter in place, three drills for fire evacuation in accordance with the state fire code, and one other safety related drill to be determined by the school. Schools should consider drills for earthquakes, tsunamis, or other high risk local events. Schools shall document the date and time of such drills.) (a) Due to geographic location, schools have unique safety challenges. It is the responsibility of school principals and administrators to assess the threats and hazards most likely to impact their school, and to practice three basic functional drills, shelter-in-place, lockdown, and evacuation, as these drills relate to those threats and hazards. Some threats or hazards may require the use of more than one basic functional drill.~~

(b) Schools shall conduct at least one safety-related drill per month, including summer months when school is in session with students. These drills must teach students three basic functional drill responses:

(i) "Shelter-in-place," used to limit the exposure of students and staff to hazardous materials, such as chemical, biological, or radiological contaminants, released into the environment by isolating the inside environment from the outside;

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(ii) "Lockdown," used to isolate students and staff from threats of violence, such as suspicious trespassers or armed intruders, that may occur in a school or in the vicinity of a school; and

(iii) "Evacuation," used to move students and staff away from threats, such as fires, oil train spills, or tsunamis.

(c) The drills described in (b) of this subsection must incorporate the following requirements:

(i) Use of the school mapping information system in at least one of the safety-related drills; and

(ii) A pedestrian evacuation drill for schools in mapped tsunami hazard zones.

(d) The drills described in (b) of this subsection may incorporate an earthquake drill using the state-approved earthquake safety technique "drop, cover, and hold."

(e) Schools shall document the date, time, and type (shelter-in-place, lockdown, or evacuate) of each drill required under this subsection (6), and maintain the documentation in the school office.

(f) This subsection (6) is intended to satisfy all federal requirements for comprehensive school emergency drills and evacuations.

(7) Educational service districts are encouraged to apply for federal emergency response and crisis management grants with the assistance of the superintendent of public instruction and the Washington emergency management division of the state military department.

(8) The superintendent of public instruction may adopt rules to implement provisions of this section. These rules may include, but are not limited to, provisions for evacuations, lockdowns, or other components of a comprehensive safe school plan."

On page 1, line 1 of the title, after "drills;" strike the remainder of the title and insert "and amending RCW 28A.320.125."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Substitute House Bill No. 1279.

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

MOTION

On motion of Senator Zeiger, the rules were suspended, Substitute House Bill No. 1279 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 Zeiger and Rolfes 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. 1279 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1279 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Lilia, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo,

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

SUBSTITUTE HOUSE BILL NO. 1279, 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. 1475, by Representatives Irwin, Goodman, Hayes, Ryu, Kilduff, Holy, Klippert, Kirby and Lovick

Clarifying the limited authority of gambling commission officers.

The measure was read the second time.

MOTION

Senator Hasegawa moved that the following floor amendment no. 254 by Senator Hasegawa be adopted:

On page 1, at the beginning of line 6, insert "(1)"

On page 1, line 12, after "property." insert the following:

"(2)"

On page 1, line 18, after "faith." insert the following:

"(3)(a) A designated officer shall not be held criminally liable for using deadly force with a good faith belief that such act is justifiable pursuant to this section. For purposes of this section, "good faith" is whether a reasonable officer of the commission designated with police power pursuant to RCW 9.46.210, relying upon the facts and circumstances known by the officer at the time of the incident, would have used deadly force.

(b) Homicide or the use of deadly force is justifiable in the following cases:

(i) When a designated officer is acting in obedience to the judgment of a competent court;

(ii) When necessarily used by a designated officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or

(iii) When necessarily used by a designated officer or person acting under the officer's command and in the officer's aid to arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony.

(c) In considering whether to use deadly force under (b)(iii) of this subsection, to arrest or apprehend any person for the commission of any crime, the designated officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances that may be considered by designated officers as a threat of serious physical harm are the following:

(i) The suspect threatens a designated officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(ii) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances, deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given."

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Baumgartner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 254 by Senator Hasegawa on page 1, line 6 to House Bill No. 1475.

The motion by Senator Hasegawa did not carry and floor amendment no. 254 was not adopted by voice vote.

MOTION

Senator Hasegawa moved that the following floor amendment no. 239 by Senator Hasegawa be adopted:

On page 1, line 10, after "action" insert "or use such force"

On page 1, line 14, after "action of" insert "or use of force by"

On page 1, beginning on line 16, after "property," strike all material through "faith" on line 18 and insert "if a reasonable officer would have believed the action or use of force was necessary in light of all the facts and circumstances known to the officer at the time"

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Baumgartner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 239 by Senator Hasegawa on page 1, line 10 to House Bill No. 1475.

The motion by Senator Hasegawa did not carry and floor amendment no. 239 was not adopted by voice vote.

MOTION

Senator Hasegawa moved that the following floor amendment no. 240 by Senator Hasegawa be adopted:

On page 1, after line 18, insert the following:

"Sec. 2. RCW 9A.16.040 and 1986 c 209 s 2 are each amended to read as follows:

(1) Homicide or the use of deadly force is justifiable in the following cases:

(a) When a public officer is acting in obedience to the judgment of a competent court; ((or))

(b) When necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty((?)); or

(c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; ((or))

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a

threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given.

(3) A public officer or peace officer shall not be held criminally liable for using deadly force ((without malice and)) with a good faith belief that such act is justifiable pursuant to this section. For purposes of this section, "good faith" is whether a reasonable peace officer, relying upon the facts and circumstances known by the officer at the time of the incident, would have used deadly force.

(4) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section."

On page 1, line 2 of the title, after "officers;" insert "amending RCW 9A.16.040;"

Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Baumgartner spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 240 by Senator Hasegawa on page 1, line 18 to House Bill No. 1475.

The motion by Senator Hasegawa did not carry and floor amendment no. 240 was not adopted by voice vote.

MOTION

On motion of Senator Baumgartner, the rules were suspended, House Bill No. 1475 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.

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1475.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1475 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

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

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Voting nay: Senators Chase, Darneille, Frockt, Hasegawa, Liias, McCoy, Saldaña and Wellman

HOUSE BILL NO. 1475, 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.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Precinct Committee Officers from Spokane County Republican Party who were seated in the gallery.

SECOND READING

HOUSE BILL NO. 1262, by Representatives McBride, Dye, Peterson, McCabe, Riccelli, Gregerson, Fey, Dolan, Muri and Lovick

Concerning accessible parking spaces for people with disabilities.

The measure was read the second time.

MOTION

On motion of Senator Kuderer, the rules were suspended, House Bill No. 1262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer 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. 1262.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1262 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1262, 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 Erickson: "Thank you Mr. President. I am sure many of you already saw it in the news today, but I would just like to announce to everybody that former member of this Senate, who just left us last year, was appointed by President Trump yesterday to be the head of the Selective Service of the United States of America. That is a direct presidential appointment so I thought we might have a second to say congratulations to our former colleague here Senator Benton, who just last night was selected by President Trump to lead the Selective Service here in the United States as Director of that federal organization. So on behalf of the Senate, I would just like to say to Senator Benton,

congratulations and good luck in your new endeavor representing America back in Washington D.C."

REPLY BY THE PRESIDENT

President Habib: "Thank you Senator Erickson. Please pass along our regards and well wishes to Senator Benton. He is always welcome to join us here in the State Senate."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1641, by House Committee on Judiciary (originally sponsored by Representatives McBride, Calder, Graves, Jinkins, Fey, Clibborn and Stanford)

Concerning informed consent for nonemergency, outpatient, primary health care services for unaccompanied homeless youth under the federal McKinney-Vento homeless assistance act.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 3. RCW 7.70.065 and 2007 c 156 s 11 are each amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)(e), to consent may be obtained from a person authorized to consent on behalf of such patient.

(a) Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent, based upon a reason other than incapacity as defined in RCW 11.88.010(1)(d), shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian of the patient, if any;

(ii) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(iii) The patient's spouse or state registered domestic partner;

(iv) Children of the patient who are at least eighteen years of age;

(v) Parents of the patient; and

(vi) Adult brothers and sisters of the patient.

(b) If the health care provider seeking informed consent for proposed health care of the patient who is not competent to consent under RCW 11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(i) If a person of higher priority under this section has refused to give such authorization; or

(ii) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(c) Before any person authorized to provide informed consent on behalf of a patient not competent to consent under RCW

11.88.010(1)(e), other than a person determined to be incapacitated because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

(2) Informed consent for health care, including mental health care, for a patient who is not competent, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, may be obtained from a person authorized to consent on behalf of such a patient.

(a) Persons authorized to provide informed consent to health care, including mental health care, on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent, shall be a member of one of the following classes of persons in the following order of priority:

(i) The appointed guardian, or legal custodian authorized pursuant to Title 26 RCW, of the minor patient, if any;

(ii) A person authorized by the court to consent to medical care for a child in out-of-home placement pursuant to chapter 13.32A or 13.34 RCW, if any;

(iii) Parents of the minor patient;

(iv) The individual, if any, to whom the minor's parent has given a signed authorization to make health care decisions for the minor patient; and

(v) A competent adult representing himself or herself to be a relative responsible for the health care of such minor patient or a competent adult who has signed and dated a declaration under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient. Such declaration shall be effective for up to six months from the date of the declaration.

(b)(i) Informed consent for health care on behalf of a patient who is incapacitated, as defined in RCW 11.88.010(1)(e), because he or she is under the age of majority and who is not otherwise authorized to provide informed consent may be obtained from a school nurse, school counselor, or homeless student liaison when:

(A) Consent is necessary for nonemergency, outpatient, primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(B) The minor patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, 115 Stat. 2005; and

(C) The minor patient is not under the supervision or control of a parent, custodian, or legal guardian, and is not in the care and custody of the department of social and health services.

(ii) A person authorized to consent to care under this subsection (2)(b) and the person's employing school or school district are not subject to administrative sanctions or civil damages resulting from the consent or nonconsent for care, any care, or payment for any care, rendered pursuant to this section. Nothing in this section prevents a health care facility or a health care provider from seeking reimbursement from other sources for care provided to a minor patient under this subsection (2)(b).

(iii) Upon request by a health care facility or a health care provider, a person authorized to consent to care under this subsection (2)(b) must provide to the person rendering care a declaration signed and dated under penalty of perjury pursuant to RCW 9A.72.085 stating that the person is a school nurse, school counselor, or homeless student liaison and that the minor patient meets the elements under (b)(i) of this subsection. The declaration must also include written notice of the exemption from liability under (b)(ii) of this subsection.

(c) A health care provider may, but is not required to, rely on the representations or declaration of a person claiming to be a relative responsible for the care of the minor patient, under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection, if the health care provider does not have actual notice of the falsity of any of the statements made by the person claiming to be a relative responsible for the health care of the minor patient, or person claiming to be authorized to consent to the health care of the minor patient.

((e)) (d) A health care facility or a health care provider may, in its discretion, require documentation of a person's claimed status as being a relative responsible for the health care of the minor patient, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection. However, there is no obligation to require such documentation.

((f)) (e) The health care provider or health care facility where services are rendered shall be immune from suit in any action, civil or criminal, or from professional or other disciplinary action when such reliance is based on a declaration signed under penalty of perjury pursuant to RCW 9A.72.085 stating that the adult person is a relative responsible for the health care of the minor patient under (a)(v) of this subsection, or a person claiming to be authorized to consent to the health care of the minor patient under (b) of this subsection.

(3) For the purposes of this section, "health care," "health care provider," and "health care facility" shall be defined as established in RCW 70.02.010.

NEW SECTION. Sec. 4. RCW 28A.320.147 ("Homeless child or youth"—Informed consent for health care for patient under the age of majority—Exemption from liability) and 2016 c 157 s 7 are each repealed."

On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "amending RCW 7.70.065; and repealing RCW 28A.320.147."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Substitute House Bill No. 1641.

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

MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1641 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, Miloscia and Frockt spoke in favor of passage of the bill.

Senator Angel spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1641 as amended by the Senate.

The Secretary called the roll on the final passage of Substitute House Bill No. 1641 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yeas: Senators 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, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfsen, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Padden and Warnick

SUBSTITUTE HOUSE BILL NO. 1641, 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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1163, by House Committee on Appropriations (originally sponsored by Representatives Goodman, Hayes, Orwall, Appleton, Klippert, Pellicciotti, Pettigrew, Chapman, Kilduff, Bergquist, Stanford and Kloba)

Concerning domestic violence.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 5.** RCW 9A.36.041 and 1987 c 188 s 2 are each amended to read as follows:

(1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Assault in the fourth degree, where domestic violence was pleaded and proven after the effective date of this section, is a class C felony if the person has two or more prior adult convictions within ten years for any of the following offenses where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after the effective date of this section.

(a) Repetitive domestic violence offense as defined in RCW 9.94A.030;

(b) Crime of harassment as defined by RCW 9A.46.060;

(c) Assault in the third degree;

(d) Assault in the second degree;

(e) Assault in the first degree; or

(f) An out-of-state comparable offense.

(4) For purposes of subsection (3) of this section, family or household members means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, and

persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship.

Sec. 6. RCW 9.94A.411 and 2006 c 271 s 1 and 2006 c 73 s 13 are each reenacted and amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

(a) STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid prefiling agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.670.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Manslaughter

2nd Degree Manslaughter

1st Degree Kidnapping

2nd Degree Kidnapping

1st Degree Assault

2nd Degree Assault

3rd Degree Assault

4th Degree Assault (if a violation of RCW 9A.36.041(3))

1st Degree Assault of a Child

2nd Degree Assault of a Child

3rd Degree Assault of a Child

1st Degree Rape

2nd Degree Rape

3rd Degree Rape

1st Degree Rape of a Child

2nd Degree Rape of a Child

3rd Degree Rape of a Child

1st Degree Robbery

2nd Degree Robbery

1st Degree Arson
 1st Degree Burglary
 1st Degree Identity Theft
 2nd Degree Identity Theft
 1st Degree Extortion
 2nd Degree Extortion
 Indecent Liberties
 Incest
 Vehicular Homicide
 Vehicular Assault
 1st Degree Child Molestation
 2nd Degree Child Molestation
 3rd Degree Child Molestation
 1st Degree Promoting Prostitution
 Intimidating a Juror
 Communication with a Minor
 Intimidating a Witness
 Intimidating a Public Servant
 Bomb Threat (if against person)
 Unlawful Imprisonment
 Promoting a Suicide Attempt
 Riot (if against person)
 Stalking
 Custodial Assault
 Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 Counterfeiting (if a violation of RCW 9.16.035(4))
 Felony Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.502(6))
 Felony Physical Control of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug (RCW 46.61.504(6))
 CRIMES AGAINST PROPERTY/OTHER CRIMES
 2nd Degree Arson
 1st Degree Escape
 2nd Degree Escape
 2nd Degree Burglary
 1st Degree Theft
 2nd Degree Theft
 1st Degree Perjury
 2nd Degree Perjury
 1st Degree Introducing Contraband
 2nd Degree Introducing Contraband
 1st Degree Possession of Stolen Property
 2nd Degree Possession of Stolen Property
 Bribery
 Bribing a Witness
 Bribe received by a Witness
 Bomb Threat (if against property)
 1st Degree Malicious Mischief
 2nd Degree Malicious Mischief
 1st Degree Reckless Burning
 Taking a Motor Vehicle without Authorization
 Forgery
 2nd Degree Promoting Prostitution
 Tampering with a Witness
 Trading in Public Office
 Trading in Special Influence
 Receiving/Granting Unlawful Compensation
 Bigamy
 Eluding a Pursuing Police Vehicle
 Willful Failure to Return from Furlough
 Escape from Community Custody
 Riot (if against property)
 1st Degree Theft of Livestock

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2nd Degree Theft of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(i) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

(A) Will significantly enhance the strength of the state's case at trial; or

(B) Will result in restitution to all victims.

(ii) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

(A) Charging a higher degree;

(B) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

(b) GUIDELINES/COMMENTARY:

(i) Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

(A) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;

(B) The completion of necessary laboratory tests; and

(C) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

(ii) Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(A) Probable cause exists to believe the suspect is guilty; and

(B) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(C) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

(iii) Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(A) Polygraph testing;

(B) Hypnosis;

(C) Electronic surveillance;

(D) Use of informants.

(iv) Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

(v) Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before

the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

Sec. 7. RCW 9.94A.525 and 2013 2nd sp.s. c 35 s 8 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly

comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for

Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior

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Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was ((~~pled~~ \pleaded)) pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was ((~~pled~~)) pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order ((that is a felony offense, a violation of a protection order that is a felony offense)) RCW 26.50.110, ((a)) felony ((domestic violence)) Harassment ((offense)) (RCW 9A.46.020(2)(b)), ((a)) felony ((domestic violence)) Stalking ((offense, a domestic violence)) (RCW 9A.46.110(5)(b)), Burglary 1 ((offense)) (RCW 9A.52.020), ((a domestic violence)) Kidnapping 1 ((offense)) (RCW 9A.40.020), ((a domestic violence)) Kidnapping 2 ((offense)) (RCW 9A.40.030), ((a domestic violence)) Unlawful imprisonment ((offense)) (RCW 9A.40.040), ((a domestic violence)) Robbery 1 ((offense)) (RCW 9A.56.200), ((a domestic violence)) Robbery 2 ((offense)) (RCW 9A.56.210), ((a domestic violence)) Assault 1 ((offense)) (RCW 9A.36.011), ((a domestic violence)) Assault 2 ((offense)) (RCW 9A.36.021), ((a domestic violence)) Assault 3 ((offense)) (RCW 9A.36.031), ((a domestic violence)) Arson 1 ((offense)) (RCW 9A.48.020), or ((a domestic violence)) Arson 2 ((offense)) (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after the effective date of this section, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

(c) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was ((~~pled~~ \pleaded)) pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

((e))) (d) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was ((~~pled~~ \pleaded)) pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 8. RCW 43.43.754 and 2015 c 261 s 10 are each amended to read as follows:

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses):

(i) Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030);

(ii) Assault in the fourth degree with sexual motivation (RCW 9A.36.041, 9.94A.835);

(iii) Communication with a minor for immoral purposes (RCW 9.68A.090);

(iv) Custodial sexual misconduct in the second degree (RCW 9A.44.170);

(v) Failure to register (RCW 9A.44.130 for persons convicted on or before June 10, 2010, and RCW 9A.44.132 for persons convicted after June 10, 2010);

(vi) Harassment (RCW 9A.46.020);

(vii) Patronizing a prostitute (RCW 9A.88.110);

(viii) Sexual misconduct with a minor in the second degree (RCW 9A.44.096);

(ix) Stalking (RCW 9A.46.110);

(x) Violation of a sexual assault protection order granted under chapter 7.90 RCW; and

(b) Every adult or juvenile individual who is required to register under RCW 9A.44.130.

(2) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(3) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility; and

(ii) Persons who are required to register under RCW 9A.44.130.

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of social and health services facility, the facility holding the person shall be responsible for obtaining the biological samples. For those persons incarcerated before June 12, 2008, who have not yet had a biological sample collected, priority shall be given to those persons who will be released the soonest.

(4) Any biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

(5) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9.94A.030. Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

(6) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008; and

(c) All adults and juveniles who are required to register under RCW 9A.44.130 on or after June 12, 2008, whether convicted before, on, or after June 12, 2008.

(7) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

(8) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfacto-finding motions, appeals, or collateral attacks.

(9) A person commits the crime of refusal to provide DNA if the person has a duty to register under RCW 9A.44.130 and the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

Sec. 9. RCW 43.43.830 and 2012 c 44 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.845.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

(2) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(3) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(4) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

(5) "Client" or "resident" means a child, person with developmental disabilities, or vulnerable adult applying for housing assistance from a business or organization.

(6) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(7) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; fourth degree assault (if a violation of RCW 9A.36.041(3)); first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; commercial sexual abuse of a minor; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(8) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

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(9) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(10) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

(11) "Health care facility" means a nursing home licensed under chapter 18.51 RCW, a ((boarding home)) assisted living facility licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(12) "Peer counselor" means a nonprofessional person who has equal standing with another person, providing advice on a topic about which the nonprofessional person is more experienced or knowledgeable, and who is a counselor for a peer counseling program that contracts with or is otherwise approved by the department, another state or local agency, or the court.

(13) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

With regard to peer counselors, "unsupervised" does not include incidental contact with children under age sixteen at the location at which the peer counseling is taking place. "Incidental contact" means minor or casual contact with a child in an area accessible to and within visual or auditory range of others. It could include passing a child while walking down a hallway but would not include being alone with a child for any period of time in a closed room or office.

(14) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

NEW SECTION. Sec. 10. A new section is added to chapter 7.36 RCW to read as follows:

Notwithstanding RCW 36.18.040, the sheriff may waive fees associated with service of a writ of habeas corpus that was issued for the return of a child when the person who was granted the writ is, by reason of poverty, unable to pay the cost of service.

NEW SECTION. Sec. 11. (1) The administrative office of the courts shall, through the Washington state gender and justice commission of the supreme court, convene a work group to address the issue of domestic violence perpetrator treatment and the role of certified perpetrator treatment programs in holding domestic violence perpetrators accountable.

(2) The work group must include a representative for each of the following organizations or interests: Superior court judges, district court judges, municipal court judges, court probation officers, prosecuting attorneys, defense attorneys, civil legal aid attorneys, domestic violence victim advocates, domestic violence perpetrator treatment providers, the department of social and health services, the department of corrections, the Washington state institute for public policy, and the University of Washington evidence based practice institute. At least two domestic violence perpetrator treatment providers must be represented as members of the work group.

(3) The work group shall: (a) Review laws, regulations, and court and agency practices pertaining to domestic violence perpetrator treatment used in civil and criminal contexts, including criminal domestic violence felony and misdemeanor offenses, family law, child welfare, and protection orders; (b)

consider the development of a universal diagnostic evaluation tool to be used by treatment providers and the department of corrections to assess the treatment needs of domestic violence perpetrators; and (c) develop recommendations on changes to existing laws, regulations, and court and agency practices to improve victim safety, decrease recidivism, advance treatment outcomes, and increase the courts' confidence in domestic violence perpetrator treatment.

(4) The work group shall report its recommendations to the affected entities and the appropriate committees of the legislature no later than June 30, 2018.

(5) The work group must operate within existing funds.

(6) This section expires June 30, 2019.

NEW SECTION. Sec. 12. (1) The legislature finds that Washington state has a serious problem with domestic violence offender recidivism and lethality. The Washington state institute for public policy studied domestic violence offenders finding not just high rates of domestic violence recidivism but among the highest rates of general criminal and violent recidivism. The Washington state coalition against domestic violence has issued fatality reviews of domestic violence homicides in Washington under chapter 43.235 RCW for over fifteen years. These fatality reviews demonstrate the significant impact of domestic violence on our communities as well as the barriers and high rates of lethality faced by victims. The legislature further notes there have been several high profile domestic violence homicides with multiple prior domestic violence incidents not accounted for in the legal response. Many jurisdictions nationally have encountered the same challenges as Washington and now utilize risk assessment as a best practice to assist in the response to domestic violence.

The Washington domestic violence risk assessment work group is established to study how and when risk assessment can best be used to improve the response to domestic violence offenders and victims and find effective strategies to reduce domestic violence homicides, serious injuries, and recidivism that are a result of domestic violence incidents in Washington state.

(2)(a) The Washington state gender and justice commission, in collaboration with the Washington state coalition against domestic violence and the Washington State University criminal justice program, shall coordinate the work group and provide staff support.

(b) The work group must include a representative from each of the following organizations:

- (i) The Washington state gender and justice commission;
- (ii) The department of corrections;
- (iii) The department of social and health services;
- (iv) The Washington association of sheriffs and police chiefs;
- (v) The superior court judges' association;
- (vi) The district and municipal court judges' association;
- (vii) The Washington state association of counties;
- (viii) The Washington association of prosecuting attorneys;
- (ix) The Washington defender association;
- (x) The Washington association of criminal defense lawyers;
- (xi) The Washington state association of cities;
- (xii) The Washington state coalition against domestic violence;
- (xiii) The Washington state office of civil legal aid; and
- (xiv) The family law section of the Washington state bar association.

(c) The work group must additionally include representation from:

- (i) Treatment providers;
- (ii) City law enforcement;
- (iii) County law enforcement;
- (iv) Court administrators; and

(v) Domestic violence victims or family members of a victim.

(3) At a minimum, the work group shall research, review, and make recommendations on the following:

(a) How to best develop and use risk assessment in domestic violence response utilizing available research and Washington state data;

(b) Providing effective strategies for incorporating risk assessment in domestic violence response to reduce deaths, serious injuries, and recidivism due to domestic violence;

(c) Promoting access to domestic violence risk assessment for advocates, police, prosecutors, corrections, and courts to improve domestic violence response;

(d) Whether or how risk assessment could be used as an alternative to mandatory arrest in domestic violence;

(e) Whether or how risk assessment could be used in bail determinations in domestic violence cases, and in civil protection order hearings;

(f) Whether or how offender risk, needs, and responsivity could be used in determining eligibility for diversion, sentencing alternatives, and treatment options;

(g) Whether or how victim risk, needs, and responsivity could be used in improving domestic violence response;

(h) Whether or how risk assessment can improve prosecution and encourage prosecutors to aggressively enforce domestic violence laws; and

(i) Encouraging private sector collaboration.

(4) The work group shall compile its findings and recommendations into a final report and provide its report to the appropriate committees of the legislature and governor by June 30, 2018.

(5) The work group must operate within existing funds.

(6) This section expires June 30, 2019.

Sec. 13. RCW 9.96.060 and 2014 c 176 s 1 and 2014 c 109 s 1 are each reenacted and amended to read as follows:

(1) Every person convicted of a misdemeanor or gross misdemeanor offense who has completed all of the terms of the sentence for the misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the tests prescribed in subsection (2) of this section, the court may in its discretion vacate the record of conviction by: (a)(i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) An applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court;

(b) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(c) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense;

(d) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses);

(e) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has previously had a conviction for domestic violence. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction;

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(f) For any offense other than those described in (e) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(g) The offender has been convicted of a new crime in this state, another state, or federal court since the date of conviction;

(h) The applicant has ever had the record of another conviction vacated; or

(i) The applicant is currently restrained, or has been restrained within five years prior to the vacation application, by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party.

(3) Subject to RCW 9.96.070, every person convicted of prostitution under RCW 9A.88.030 who committed the offense as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq. may apply to the sentencing court for vacation of the applicant's record of conviction for the prostitution offense. An applicant may not have the record of conviction for prostitution vacated if any one of the following is present:

(a) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal court, for any crime other than prostitution; or

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the

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offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5)(a) Once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(6) All costs incurred by the court and probation services shall be paid by the person making the motion to vacate the record unless a determination is made pursuant to chapter 10.101 RCW that the person making the motion is indigent, at the time the motion is brought.

(7) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

Sec. 14. RCW 9.94A.515 and 2016 c 213 s 5, 2016 c 164 s 13, and 2016 c 6 s 1 are each reenacted and amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run—Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
VIII	Arson 1 (RCW 9A.48.020)
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)

	Promoting Prostitution 1 (RCW 9A.88.070)	Air bag replacement requirements (RCW 46.37.660(1)(c))
VII	Theft of Ammonia (RCW 69.55.010)	Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))	Child Molestation 3 (RCW 9A.44.089)
	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))	Criminal Mistreatment 2 (RCW 9A.42.030)
	Burglary 1 (RCW 9A.52.020)	Custodial Sexual Misconduct 1 (RCW 9A.44.160)
	Child Molestation 2 (RCW 9A.44.086)	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
	Civil Disorder Training (RCW 9A.48.120)	Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))	Driving While Under the Influence (RCW 46.61.502(6))
	Drive-by Shooting (RCW 9A.36.045)	Extortion 1 (RCW 9A.56.120)
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)	Extortionate Extension of Credit (RCW 9A.82.020)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))	Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
	Introducing Contraband 1 (RCW 9A.76.140)	Incest 2 (RCW 9A.64.020(2))
	Malicious placement of an explosive 3 (RCW 70.74.270(3))	Kidnapping 2 (RCW 9A.40.030)
	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)	Perjury 1 (RCW 9A.72.020)
	Sale, install, ((or)) <u>or</u> reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))	Persistent prison misbehavior (RCW 9.94.070)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))	Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))	Possession of a Stolen Firearm (RCW 9A.56.310)
	Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)	Rape 3 (RCW 9A.44.060)
	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)	Rendering Criminal Assistance 1 (RCW 9A.76.070)
VI	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))	Sale, install, ((or)) <u>or</u> reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
	Bribery (RCW 9A.68.010)	Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
	Incest 1 (RCW 9A.64.020(1))	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
	Intimidating a Judge (RCW 9A.72.160)	Sexually Violating Human Remains (RCW 9A.44.105)
	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)	Stalking (RCW 9A.46.110)
	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))	Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))	Arson 2 (RCW 9A.48.030)
	Rape of a Child 3 (RCW 9A.44.079)	Assault 2 (RCW 9A.36.021)
	Theft of a Firearm (RCW 9A.56.300)	Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
	Unlawful Storage of Ammonia (RCW 69.55.020)	<u>Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))</u>
V	Abandonment of Dependent Person 2 (RCW 9A.42.070)	Assault by Watercraft (RCW 79A.60.060)
	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
	Air bag diagnostic systems (RCW 46.37.660(2)(c))	Cheating 1 (RCW 9.46.1961)
		Commercial Bribery (RCW 9A.68.060)
		Counterfeiting (RCW 9.16.035(4))
		Endangerment with a Controlled Substance (RCW 9A.42.100)

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- Escape 1 (RCW 9A.76.110)
 Hit and Run—Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
 Identity Theft 1 (RCW 9.35.020(2))
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Malicious Harassment (RCW 9A.36.080)
 Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
 Residential Burglary (RCW 9A.52.025)
 Robbery 2 (RCW 9A.56.210)
 Theft of Livestock 1 (RCW 9A.56.080)
 Threats to Bomb (RCW 9.61.160)
 Trafficking in Stolen Property 1 (RCW 9A.82.050)
 Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
 Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
 Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
 Unlawful transaction of insurance business (RCW 48.15.023(3))
 Unlicensed practice as an insurance professional (RCW 48.17.063(2))
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
 Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
 Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
 Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
 Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
 Burglary 2 (RCW 9A.52.030)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Criminal Gang Intimidation (RCW 9A.46.120)
 Custodial Assault (RCW 9A.36.100)
 Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
 Escape 2 (RCW 9A.76.120)
 Extortion 2 (RCW 9A.56.130)
- II Harassment (RCW 9A.46.020)
 Intimidating a Public Servant (RCW 9A.76.180)
 Introducing Contraband 2 (RCW 9A.76.150)
 Malicious Injury to Railroad Property (RCW 81.60.070)
 Mortgage Fraud (RCW 19.144.080)
 Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
 Organized Retail Theft 1 (RCW 9A.56.350(2))
 Perjury 2 (RCW 9A.72.030)
 Possession of Incendiary Device (RCW 9.40.120)
 Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
 Securities Act violation (RCW 21.20.400)
 Tampering with a Witness (RCW 9A.72.120)
 Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
 Theft of Livestock 2 (RCW 9A.56.083)
 Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
 Trafficking in Stolen Property 2 (RCW 9A.82.055)
 Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
 Unlawful Imprisonment (RCW 9A.40.040)
 Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))
 Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
 Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
 Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
 Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))
 Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
 Willful Failure to Return from Work Release (RCW 72.65.070)
- Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
 Computer Trespass 1 (RCW 9A.90.040)
 Counterfeiting (RCW 9.16.035(3))
 Electronic Data Service Interference (RCW 9A.90.060)
 Electronic Data Tampering 1 (RCW 9A.90.080)
 Electronic Data Theft (RCW 9A.90.100)
 Engaging in Fish Dealing Activity
 Unlicensed 1 (RCW 77.15.620(3))
 Escape from Community Custody (RCW 72.09.310)

- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
 - Identity Theft 2 (RCW 9.35.020(3))
 - Improperly Obtaining Financial Information (RCW 9.35.010)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Organized Retail Theft 2 (RCW 9A.56.350(3))
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Possession of a Stolen Vehicle (RCW 9A.56.068)
 - Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
 - Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
 - Theft 1 (RCW 9A.56.030)
 - Theft of a Motor Vehicle (RCW 9A.56.065)
 - Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at five thousand dollars or more) (RCW 9A.56.096(5)(a))
 - Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
 - Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
 - Unlawful Practice of Law (RCW 2.48.180)
 - Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
 - Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
 - Voyeurism (RCW 9A.44.115)
 - I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - False Verification for Welfare (RCW 74.08.055)
 - Forgery (RCW 9A.60.020)
 - Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Mineral Trespass (RCW 78.44.330)
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
 - Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
 - Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
 - Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at seven hundred fifty dollars or more but less than five thousand dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
 - Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
 - Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
 - Unlawful Possession of Payment Instruments (RCW 9A.56.320)
 - Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
 - Unlawful Production of Payment Instruments (RCW 9A.56.320)
 - Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
 - Unlawful Trafficking in Food Stamps (RCW 9.91.142)
 - Unlawful Use of Food Stamps (RCW 9.91.144)
 - Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
 - Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))
 - Vehicle Prowl 1 (RCW 9A.52.095)
 - Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"

On page 1, line 1 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 9A.36.041, 9.94A.525, 43.43.754, and 43.43.830; reenacting and amending RCW 9.94A.411, 9.96.060, and 9.94A.515; adding a new section to chapter 7.36 RCW; creating new sections; prescribing penalties; and providing expiration dates."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Law & Justice to Engrossed Second Substitute House Bill No. 1163.

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

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Second Substitute House Bill No. 1163 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 Engrossed Second Substitute House Bill No. 1163 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1163 as amended by the Senate

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and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1163, 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.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5039,
SUBSTITUTE SENATE BILL NO. 5069,
SUBSTITUTE SENATE BILL NO. 5077,
ENGROSSED SENATE BILL NO. 5128,
SUBSTITUTE SENATE BILL NO. 5196,
SENATE BILL NO. 5488,
SUBSTITUTE SENATE BILL NO. 5514,
SECOND SUBSTITUTE SENATE BILL NO. 5546,
SENATE BILL NO. 5662,
SUBSTITUTE SENATE BILL NO. 5835.

SECOND READING

ENGROSSED HOUSE BILL NO. 1322, by Representatives Kilduff, Harris, Kagi, Senn, Cody, Short, McDonald, Caldier, Dent, Tharinger, Dye, Robinson, Lovick, Appleton, Goodman, Fey, Hudgins, Sawyer, Muri, Jinkins, McBride and Doglio

Reducing training requirements for developmental disability respite providers working three hundred hours or less in any calendar year.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed House Bill No. 1322 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 House Bill No. 1322.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1322 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED HOUSE BILL NO. 1322, 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. 1620, by Representatives Lovick, McDonald, Johnson, Hayes, Stonier, Griffey, McBride, Harris, Springer, Stambaugh, Gregerson, Appleton, Muri and Haler

Concerning the authority of local governments to require criminal history background checks.

The measure was read the second time.

MOTION

Senator Short moved that the following committee striking amendment by the Committee on Local Government be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 15. RCW 35.21.920 and 2010 c 47 s 2 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by city or town officials, cities or towns may((,));

(a) By ordinance, require a state and federal background investigation of license applicants or licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by city or town officials));

(b) By ordinance, require a federal background investigation of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) Require a state criminal background investigation of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Require a criminal background investigation conducted through a private organization of city or town employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the city or town, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may

include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the city or town.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the city or town shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the city or town.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

Sec. 16. RCW 35A.21.370 and 2010 c 47 s 3 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by code city officials, code cities may((, by ordinance));

(a) Require a state and federal background investigation of license applicants or licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by code city officials));

(b) Require a federal background investigation of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) Require a state criminal background investigation of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Require a criminal background investigation conducted through a private organization of code city employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the code city, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the code city.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the code city shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the code city.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

Sec. 17. RCW 36.01.300 and 2010 c 47 s 1 are each amended to read as follows:

(1) For the purpose of receiving criminal history record information by county officials, counties may((, by ordinance));

(a) Require a state and federal background investigation of license applicants or licensees in occupations specified by ordinance ((for the purpose of receiving criminal history record information by county officials));

(b) Require a federal background investigation of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults;

(c) Require a state background investigation of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; and

(d) Require a criminal background investigation conducted through a private organization of county employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the county, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

(2) The investigation conducted under subsection (1)(a) through (c) of this section shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. ((These))

(3) The background checks conducted under subsection (1)(a) through (c) of this section must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the county.

(4) For a criminal background check conducted under subsection (1)(a) through (c) of this section, the county shall transmit appropriate fees for a state and national criminal history check to the Washington state patrol, unless alternately arranged. The cost of investigations conducted under this section shall be borne by the county.

(5) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law.

Sec. 18. RCW 35.61.130 and 2006 c 222 s 1 are each amended to read as follows:

(1) A metropolitan park district has the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said park district, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. The right of eminent domain shall be exercised and instituted pursuant to resolution of the board of park commissioners and conducted in the same manner and under the same procedure as is or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of

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property rights: PROVIDED, HOWEVER, Funds to pay for condemnation allowed by this section shall be raised only as specified in this chapter.

(2) The board of park commissioners shall have power to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park police, for a secretary of the board of park commissioners and for all necessary employees, to fix their salaries and duties.

(3) The board of park commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without the park district, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as it shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city and for the purchase of lands within or without the limits of said city, whenever it deems the purchase to be for the benefit of the public and for the interest of the park district, and for the maintenance and improvement thereof and for all expenses incidental to its duties: PROVIDED, That all parks, boulevards, parkways, aviation landings and playgrounds shall be subject to the police regulations of the city within whose limits they lie.

(4) ((For all employees, volunteers, or independent contractors, who may, in the course of their work or volunteer activity with the park district, have unsupervised access to children or vulnerable adults, or be responsible for collecting or disbursing cash or processing credit/debit card transactions;))

(a) For the purpose of receiving criminal history record information by metropolitan park districts, metropolitan park districts:

(i) Shall establish by resolution the requirements for a state and federal record check of park district employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the park district, may:

(A) Have unsupervised access to children, persons with developmental disabilities, or vulnerable adults; or

(B) Be responsible for collecting or disbursing cash or processing credit/debit card transactions; and

(ii) May require a criminal background check conducted through a private organization of park district employees, applicants for employment, volunteers, vendors, and independent contractors, who, in the course of their work or volunteer activity with the park district, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults. A background check conducted through a private organization under this subsection is not required in addition to the requirement under (a)(i) of this subsection.

(b) The investigation under (a)(i) of this subsection shall consist of a background check as allowed through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, the Washington state criminal records act under RCW 10.97.030((g)) and 10.97.050, and ((through)) the federal bureau of investigation((, including a fingerprint check

using a complete Washington state criminal identification fingerprint card)).

(c) The background checks conducted under (a)(i) of this subsection must be done through the Washington state patrol identification and criminal history section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. The Washington state patrol shall serve as the sole source for receipt of fingerprint submissions and the responses to the submissions from the federal bureau of investigation, which must be disseminated to the metropolitan park district.

(d) The park district shall provide a copy of the record report to the employee, prospective employee, volunteer, vendor, or independent contractor.

(e) When necessary, as determined by the park district, prospective employees, volunteers, vendors, or independent contractors may be employed on a conditional basis pending completion of the investigation.

(f) If the employee, prospective employee, volunteer, vendor, or independent contractor has had a record check within the previous twelve months, the park district may waive the requirement upon receiving a copy of the record. ((The park district may in its discretion require that the prospective employee, volunteer, or independent contractor pay the costs associated with the record check.))

(g) For background checks conducted pursuant to (c) of this subsection, the metropolitan park district must transmit appropriate fees, as the Washington state patrol may require under RCW 10.97.100 and 43.43.838, to the Washington state patrol, unless alternately arranged.

(h) The authority for background checks outlined in this section is in addition to any other authority for such checks provided by law."

On page 1, line 2 of the title, after "checks;" strike the remainder of the title and insert "and amending RCW 35.21.920, 35A.21.370, 36.01.300, and 35.61.130."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Local Government to Engrossed House Bill No. 1620.

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

MOTION

On motion of Senator Short, the rules were suspended, Engrossed House Bill No. 1620 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 Short 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. 1620 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1620 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Angel, 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, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Bailey

ENGROSSED HOUSE BILL NO. 1620, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296, by House Committee on Finance (originally sponsored by Representatives Nealey, Springer, Harris, Vick, MacEwen, Stokesbary, Orcutt, Haler and Condotta)

Consolidating and simplifying the annual report and annual survey used for economic development tax incentives.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Engrossed Substitute House Bill No. 1296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Chase 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. 1296.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1296 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296, 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. 1530, by Representatives Gregerson, Morris and Appleton

Grandfathering the accrual of vacation leave above the statutory maximum for certain employees of the Washington state ferries.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1530 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 House Bill No. 1530.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1530 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1530, 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.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Hans Van Dusen and Ms. Karen Fevold, parents of Senate Page Mr. Zachary Van Dusen, who were seated in the gallery.

SECOND READING

HOUSE BILL NO. 1721, by Representatives Cody, Haler, Muri, Goodman and Jinkins

Concerning obtaining required clinical experience for licensed practical nurses who complete a nontraditional registered nurse program.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, House Bill No. 1721 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. 1721.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1721 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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,

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McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

HOUSE BILL NO. 1721, 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. 1464, by House Committee on Judiciary (originally sponsored by Representatives Blake, Orcutt, Chapman and Tarleton)

Concerning the development of cooperative agreements to expand recreational access on privately owned lands.

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. 19. RCW 4.24.210 and 2012 c 15 s 1 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowners, hydroelectric project owners, or others in lawful possession and control of any lands whether designated resource, rural, or urban, or water areas or channels and lands adjacent to such areas or channels, who allow members of the public to use them for the purposes of outdoor recreation, which term includes, but is not limited to, the cutting, gathering, and removing of firewood by private persons for their personal use without purchasing the firewood from the landowner, hunting, fishing, camping, picnicking, swimming, hiking, bicycling, skateboarding or other nonmotorized wheel-based activities, aviation activities including, but not limited to, the operation of airplanes, ultra-light airplanes, hang gliders, parachutes, and paragliders, rock climbing, the riding of horses or other animals, clam digging, pleasure driving of off-road vehicles, snowmobiles, and other vehicles, boating, kayaking, canoeing, rafting, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users.

(2) Except as otherwise provided in subsection (3) or (4) of this section, any public or private landowner or others in lawful possession and control of any lands whether rural or urban, or water areas or channels and lands adjacent to such areas or channels, who offer or allow such land to be used for purposes of a fish or wildlife cooperative project, or allow access to such land for cleanup of litter or other solid waste, shall not be liable for unintentional injuries to any volunteer group or to any other users.

(3) Any public or private landowner, or others in lawful possession and control of the land, may charge an administrative fee of up to twenty-five dollars for the cutting, gathering, and removing of firewood from the land.

(4)(a) Nothing in this section shall prevent the liability of a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent

condition for which warning signs have not been conspicuously posted.

(i) A fixed anchor used in rock climbing and put in place by someone other than a landowner is not a known dangerous artificial latent condition and a landowner under subsection (1) of this section shall not be liable for unintentional injuries resulting from the condition or use of such an anchor.

(ii) Releasing water or flows and making waterways or channels available for kayaking, canoeing, or rafting purposes pursuant to and in substantial compliance with a hydroelectric license issued by the federal energy regulatory commission, and making adjacent lands available for purposes of allowing viewing of such activities, does not create a known dangerous artificial latent condition and hydroelectric project owners under subsection (1) of this section shall not be liable for unintentional injuries to the recreational users and observers resulting from such releases and activities.

(b) Nothing in RCW 4.24.200 and this section limits or expands in any way the doctrine of attractive nuisance.

(c) Usage by members of the public, volunteer groups, or other users is permissive and does not support any claim of adverse possession.

(5) For purposes of this section, the following are not fees:

(a) A license or permit issued for statewide use under authority of chapter 79A.05 RCW or Title 77 RCW;

(b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or 79A.80.040; ((and))

(c) A daily charge not to exceed twenty dollars per person, per day, for access to a publicly owned ORV sports park, as defined in RCW 46.09.310, or other public facility accessed by a highway, street, or nonhighway road for the purposes of off-road vehicle use; and

(d) Payments to landowners for public access from state, local, or nonprofit organizations established under department of fish and wildlife cooperative public access agreements if the landowner does not charge a fee to access the land subject to the cooperative agreement."

On page 1, line 2 of the title, after "lands;" strike the remainder of the title and insert "and amending RCW 4.24.210."

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. 1464.

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. 1464, 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 Pearson and Van De Wege spoke in favor of passage of the bill.

MOTION

On motion of Senator Saldaña, Senator Palumbo was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1464 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1464 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, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Palumbo

SUBSTITUTE HOUSE BILL NO. 1464, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017, by House Committee on Environment (originally sponsored by Representatives McCaslin, Barkis, Blake, Holy, Pettigrew, Haler, Taylor, Shea, Harris, Chandler, Smith, Muri, Stokesbary, Nealey, Stambaugh, Griffey, Vick, Buys, Dye, Short, Pike, Wilcox, Van Werven, Hargrove, Young, Klippert, Kilduff and Sawyer)

Addressing the siting of schools and school facilities.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education not be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 20. The legislature recognizes the importance of providing public education to K-12 students, including those who reside in an urban area and those who reside in a rural area. As a part of implementing the growth management act, the legislature affirms that schools are public services that are necessary in both urban and rural areas. Schools are not urban or rural in nature. Instead, K-12 public education is a needed public service statewide. To address the need for additional classrooms, the legislature intends for school districts to be authorized to site schools in the rural area to serve all students and/or to site schools in the urban area to serve all students. To ensure consistency in counties planning under the multicounty planning policies, the legislature intends to create a framework for siting schools under this act. The legislature also intends to establish a policy regarding the extension of utilities and/or public facilities necessary to serve schools to protect public health and safety and the environment.

NEW SECTION. Sec. 21. A new section is added to chapter 36.70A RCW to read as follows:

(1) This chapter prohibits a county planning under RCW 36.70A.040 from authorizing the extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area unless the following requirements are met:

(a) The applicable school district board of directors has adopted a policy addressing school service area and facility needs;

(b) The applicable school district has made a finding, with the concurrence of the county legislative authority and the legislative authorities of any affected cities, that the district's proposed site is suitable to site the school and any associated recreational facilities that the district has determined cannot reasonably be colocated on an existing school site, taking into consideration the policy adopted in (a) of this subsection and the extent to which vacant or developable land within the urban growth area meets those requirements;

(c) The county and any affected cities agree to the extension of public facilities and utilities to serve the school sited in a rural area that serves urban and rural students at the time of concurrence in (b) of this subsection;

(d) If the public facility or utility is extended beyond the urban growth area to serve a school, the public facility or utility must serve the school and the costs of such extension must be borne by the applicable school district based on a reasonable nexus to the impacts of the school, except as provided in subsection (3) of this section; and

(e) Any impacts associated with the siting of the school are mitigated as required by the state environmental policy act, chapter 43.21C RCW.

(2) This chapter does not prohibit or restrict the renovation, modernization, addition, expansion, or replacement of an existing school in the rural area or the placement of portable classrooms at an existing school in the rural area.

(3) Where a public facility or utility has been extended beyond the urban growth area to serve a school, the public facility or utility may, where consistent with RCW 36.70A.110(4), serve a property or properties in addition to the school if a property owner so requests, provided that the county and any affected cities agree with the request and provided that the property is located no further from the public facility or utility than the distance that, if the property were within the urban growth area, the property would be required to connect to the public facility or utility. In such an instance, the school district may, for a period not to exceed twenty years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utilities.

NEW SECTION. Sec. 22. A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) A county may only authorize the siting of a school in a rural area that serves students from an urban area and from a rural area, even when otherwise discouraged by a multicounty planning policy, and (b) any comprehensive plan provision or development regulation adopted to implement school siting under this chapter is not subject to the requirement for compliance under any multicounty planning policies or with any countywide planning policies or updates to such policies, if the following conditions are met:

(i) The county has a population of more than eight hundred forty thousand but fewer than one million five hundred thousand and that abuts at least six other counties;

(ii) A school district has made a determination of need for a new school in a rural area, taking into consideration the availability of developable land within the urban growth area and relevant service area suitable for the projected enrollment of the school that is consistent with locally adopted educational program requirements, and the financial impact of extending public services and utilities to such site;

(iii) If there is any land available for purchase within the urban growth area and in the specific service area of the school district that meets the school district's planned educational programs, a

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school district has determined that, following a review of the then-current zoning, site characteristics, and the overall acquisition and development costs of the alternative site in the urban growth area, the development of a school on such land in the urban growth area is not feasible as of the time the determination is made;

(iv) Any impacts associated with the siting of such a school are mitigated as required under the state environmental policy act, chapter 43.21C RCW;

(v) The county must be a participant in a multicounty planning policy as described in RCW 36.70A.210;

(vi) The school project is needed to meet projected student capacity needs in an identified service area that serves students residing in both the urban growth area and in the rural area, as demonstrated by a capital facilities plan adopted by a locally elected school board of directors;

(vii) The location and design of the school project provides a buffer between the school project and the rural area, thereby protecting the character of the rural area; and

(viii) The county must have adopted in its comprehensive plan a policy concerning the siting of schools in rural areas.

(2) A school sited under this section may not collect or impose the impact fees described in RCW 82.02.050.

(3) A determination of need made by a school district is presumed correct unless it is found to be clearly erroneous by a county within which the proposed new school is sited. For the county to assert that a determination is clearly erroneous, it must, at a minimum and in consideration of the decision made by the locally elected school board of directors, identify at least two sites that: Meet all of the school district's program requirements identified in the determination of need, are financially feasible, are available for purchase in arm's length transactions, and meet other criteria identified in sections 2 through 4 of this act. Citizens must have an opportunity to appeal the determination of need as described in this section.

(4) A multicounty planning policy in which any county referenced in subsection (1) of this section is a participant must be amended, at its next regularly scheduled update, to include a policy that addresses the siting of schools in rural areas of all counties subject to the multicounty planning policy.

(5) This section expires upon the adoption of, including final adjudication of any appeals concerning, the next regularly scheduled update of any multicounty planning policy referenced in subsection (4) of this section.

NEW SECTION. Sec. 23. A new section is added to chapter 36.70A RCW to read as follows:

In a county where a school district chooses to site schools under section 3 of this act, the school district siting a new school in the rural area is required to participate in the county's periodic updates by:

(1) Providing its enrollment forecasts and projections to the county;

(2) Providing school siting criteria to the county, cities, and regional transportation planning organizations;

(3) Reviewing with the county and affected cities the process the school district has used regarding the site selection process. The district shall confirm that the district has considered potential sites in areas where students can safely walk and bicycle to the school from their homes and that can effectively be served with transit, considering the district's educational service areas, and taking into consideration, at a minimum, the price and availability of, and whether there is a need to assemble land for suitable school sites, and whether a school district could purchase the necessary parcels. Sites or any portion of the sites that cannot be

acquired through arm's length transactions should not be considered.

Sec. 24. RCW 36.70A.030 and 2012 c 21 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems:

(a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

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

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(17) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, schools serving primarily rural students, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(18) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, schools, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(19) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary

use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(20) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(21) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 36.70A.030; adding new sections to chapter 36.70A RCW; creating a new section; and providing a contingent expiration date."

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1017.

The motion by Senator Zeiger carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor striking amendment no. 247 by Senators Zeiger and Conway be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 25. A new section is added to chapter 36.70A RCW to read as follows:

(1) This chapter does not prohibit a county planning under RCW 36.70A.040 from authorizing the extension of public facilities and utilities to serve a school sited in a rural area that serves students from a rural area and an urban area so long as the following requirements are met:

(a) The applicable school district board of directors has adopted a policy addressing school service area and facility needs and educational program requirements;

(b) The applicable school district has made a finding, with the concurrence of the county legislative authority and the legislative authorities of any affected cities, that the district's proposed site is suitable to site the school and any associated recreational facilities that the district has determined cannot reasonably be colocated on an existing school site, taking into consideration the policy adopted in (a) of this subsection and the extent to which vacant or developable land within the growth area meets those requirements;

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(c) The county and any affected cities agree to the extension of public facilities and utilities to serve the school sited in a rural area that serves urban and rural students at the time of concurrence in (b) of this subsection;

(d) If the public facility or utility is extended beyond the urban growth area to serve a school, the public facility or utility must serve only the school and the costs of such extension must be borne by the applicable school district based on a reasonable nexus to the impacts of the school, except as provided in subsection (3) of this section; and

(e) Any impacts associated with the siting of the school are mitigated as required by the state environmental policy act, chapter 43.21C RCW.

(2) This chapter does not prohibit either the expansion or modernization of an existing school in the rural area or the placement of portable classrooms at an existing school in the rural area.

(3) Where a public facility or utility has been extended beyond the urban growth area to serve a school, the public facility or utility may, where consistent with RCW 36.70A.110(4), serve a property or properties in addition to the school if a property owner so requests, provided that the county and any affected cities agree with the request and provided that the property is located no further from the public facility or utility than the distance that, if the property were within the urban growth area, the property would be required to connect to the public facility or utility. In such an instance, the school district may, for a period not to exceed twenty years, require reimbursement from a requesting property owner for a proportional share of the construction costs incurred by the school district for the extension of the public facility or utilities.

NEW SECTION. Sec. 26. A new section is added to chapter 36.70A RCW to read as follows:

(1) A county may authorize the siting in a rural area of a school that serves students from an urban area, even where otherwise prohibited by a multicounty planning policy, under the following circumstances:

(a) The county has a population of more than eight hundred forty thousand but fewer than one million five hundred thousand and abuts at least six other counties;

(b) The county must have adopted in its comprehensive plan a policy concerning the siting of schools in rural areas;

(c) Any impacts associated with the siting of such a school are mitigated as required by the state environmental policy act, chapter 43.21C RCW; and

(d) The county must be a participant in a multicounty planning policy as described in RCW 36.70A.210.

(2) A multicounty planning policy in which any county referenced in subsection (1) of this section is a participant must be amended, at its next regularly scheduled update, to include a policy that addresses the siting of schools in rural areas of all counties subject to the multicounty planning policy.

(3) A school sited under this section may not collect or impose the impact fees described in RCW 82.02.050.

(4) This section expires June 30, 2031.

NEW SECTION. Sec. 27. A new section is added to chapter 36.70A RCW to read as follows:

In a county that chooses to site schools under section 2 of this act, each school district within the county must participate in the county's periodic updates required by RCW 36.70A.130(1)(b) by:

(1) Coordinating its enrollment forecasts and projections with the county's adopted population projections;

(2) Identifying school siting criteria with the county, cities, and regional transportation planning organizations;

(3) Identifying suitable school sites with the county and cities, with priority to siting urban-serving schools in existing cities and towns in locations where students can safely walk and bicycle to the school from their homes and that can effectively be served with transit; and

(4) Working with the county and cities to identify school costs and funding for the capital facilities plan element required by RCW 36.70A.070(3)."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 36.70A RCW; and providing an expiration date."

Senators Zeiger and Rolfes 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. 247 by Senators Zeiger and Conway to Engrossed Substitute House Bill No. 1017.

The motion by Senator Zeiger carried and floor striking amendment no. 247 was adopted by voice vote.

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute House Bill No. 1017 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 Zeiger, Conway, Becker and Angel spoke in favor of passage of the bill.

Senator Rolfes spoke on passage of the bill.

Senator Ranker spoke against passage of the bill.

POINT OF INQUIRY

Senator Conway: "Will Senator Zeiger yield to a question?"

REPLY BY THE PRESIDENT

President Habib: "Senator Zeiger? He will."

POINT OF INQUIRY

Senator Conway: "Is it the intent of this bill that subsection 1 is not conditioned upon an amendment to the multicounty planning policies referenced in subsection 2?"

Senator Zeiger: "Yes, it is the intent that subsection 1 operates independently of subsection 2, and is not contingent upon an amendment to the multicounty planning policy. Subsection 2 is a directive to the multicounty planning jurisdiction to modify its plans to include policies allowing schools to be sited in rural areas that serve both urban and rural students."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1017 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1017 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

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

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Erickson, Frockt, Hasegawa, Hunt, Kuderer, Lias, McCoy, Nelson, Pedersen, Ranker, Rolfs, Saldaña and Wellman

Excused: Senator Palumbo

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1017, 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. 1624, by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi, Lytton, Farrell, Pettigrew, Hudgins, Goodman, Frame and Slatter)

Concerning working connections child care eligibility for vulnerable children.

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. 28. The legislature finds that children with the greatest needs benefit significantly from child care programs that promote stability, quality, and continuity of care. The legislature recognizes that empirical evidence supports the conclusion that high quality child care programs consistently yield more positive outcomes for children, with the strongest positive impacts on the most vulnerable children.

Children in the child welfare system are some of the most vulnerable children. The legislature finds that a child who experiences child abuse or neglect is over four times more likely to abuse substances as an adult and forty-three percent of youth in the juvenile justice system were involved in the child welfare system.

The legislature finds that the child care and development block grant act of 2014 allows the department of early learning to provide working connections child care to children in need of, or receiving, protective services. The legislature further understands that as of July 1, 2016, authorizations for the working connections child care subsidy are effective for twelve months.

The legislature finds that the children's mental health work group, in its December 2016 final report, recommended that state agencies provide at least twelve months of stable child care through the working connections child care program for certain children involved in the child welfare system, regardless of the employment status of their parents or guardians. Many of these child welfare-involved families are addressing chemical dependency issues, which require a significant amount of time to overcome. For these reasons, the legislature intends to allow certain populations of vulnerable children to be eligible for the working connections child care subsidy for a minimum of twelve months.

Sec. 29. RCW 43.215.135 and 2015 3rd sp.s. c 7 s 6 are each amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by Public Law 113-186, authorizations for the working connections child care subsidy shall be effective for twelve months beginning July 1, 2016, (~~((unless an earlier date is provided in the omnibus appropriations act)) except that for a change in the ongoing status of the child's parent as working or attending a job training or education program that is not temporary, assistance shall be discontinued after a minimum of three months.~~

~~((As a condition of receiving a child care subsidy or a working connections child care subsidy, the applicant or recipient must seek child support enforcement services from the department of social and health services, division of child support, unless the department finds that the applicant or recipient has good cause not to cooperate. For the purposes of this subsection, "good cause" includes consideration of the safety of domestic violence victims.~~

(4) Existing child care providers serving nonschool-age children and receiving state subsidy payments must complete the following requirements to be eligible for a state subsidy under this section:

- (a) Enroll in the early achievers program by August 1, 2016;
- (b) Complete level 2 activities in the early achievers program by August 1, 2017; and

((4))) (5) Rate at a level 3 or higher in the early achievers program by December 31, 2019. If a child care provider rates below a level 3 by December 31, 2019, the provider must complete remedial activities with the department, and rate at a level 3 or higher no later than June 30, 2020.

((4))) (6) Effective July 1, 2016, a new child care provider serving nonschool-age children and receiving state subsidy payments must complete the following activities to be eligible to receive a state subsidy under this section:

- (a) Enroll in the early achievers program within thirty days of receiving the initial state subsidy payment;
- (b) Complete level 2 activities in the early achievers program within twelve months of enrollment; and

((4))) (7) Rate at a level 3 or higher in the early achievers program within thirty months of enrollment. If a child care provider rates below a level 3 within thirty months from enrollment into the early achievers program, the provider must complete remedial activities with the department, and rate at a level 3 or higher within six months of beginning remedial activities.

((4))) (8) If a child care provider does not rate at a level 3 or higher following the remedial period, the provider is no longer eligible to receive state subsidy under this section.

((4))) (9) If a child care provider serving nonschool-age children and receiving state subsidy payments has successfully completed all level 2 activities and is waiting to be rated by the deadline provided in this section, the provider may continue to receive a state subsidy pending the successful completion of the level 3 rating activity.

((4))) (10) The department shall implement tiered reimbursement for early achievers program participants in the working connections child care program rating at level 3, 4, or 5.

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((8)) (9) The department shall account for a child care copayment collected by the provider from the family for each contracted slot and establish the copayment fee by rule.

(10) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(a) In the last six months have:

(i) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(ii) Received child welfare services as defined and used by chapter 74.13 RCW; or

(iii) Received services through a family assessment response as defined and used by chapter 26.44 RCW;

(b) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020; and

(c) Are residing with a biological parent or guardian.

(11) Children who are eligible for working connections child care pursuant to subsection (10) of this section do not have to keep receiving services through the department of social and health services to maintain twelve-month authorization but the authorization shall be discontinued after a minimum of three months if there is a change in the ongoing status of the child's parent as working or attending a job training or education program that is not temporary. The department of social and health services' involvement with the family referred for working connections child care ends when the family's child protective services, child welfare services, or family assessment response case is closed.

NEW SECTION. Sec. 30. This act takes effect December 1, 2018.

NEW SECTION. Sec. 31. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 43.215.135; creating new sections; and providing an effective date."

MOTION

Senator Billig moved that the following floor amendment no. 216 by Senators Billig, Walsh, Rivers and Braun be adopted:

On page 4, line 2, after "twelve-month authorization" strike the remainder of line 2 through line 5 and insert the following: "and the authorization shall not be subject to the conditions specified in subsections (2) and (3) of this section."

Senator Billig spoke in favor of adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Fain, further consideration of Substitute House Bill No. 1624 was deferred and the bill held its place on the second reading calendar.

MOTION

At 4:17 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus.

EVENING SESSION

The Senate was called to order at 4:34 p.m. by President Habib.

The Senate resumed consideration of Substitute House Bill No. 1624 which had been deferred earlier in the day.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Appropriations (originally sponsored by Representatives Senn, Dent, Kagi, Lytton, Farrell, Pettigrew, Hudgins, Goodman, Frame and Slatter)

Concerning working connections child care eligibility for vulnerable children.

MOTION

Senator Billig moved that the following floor amendment no. 216 by Senators Billig, Walsh, Rivers and Brown be adopted:

On page 4, line 2, after "twelve-month authorization" strike the remainder of line 2 through line 5 and insert the following: "and the authorization shall not be subject to the conditions specified in subsections (2) and (3) of this section."

Senators Billig and O'Ban spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 216 by Senators Billig, Walsh, Rivers and Brown on page 4, line 2 to the committee striking amendment.

The motion by Senator Billig carried and floor amendment no. 216 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 1624.

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

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1624 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 O'Ban and Billig 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. 1624 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1624 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson,

O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Angel, Becker, Honeyford, Padden, Schoesler and Short

SUBSTITUTE HOUSE BILL NO. 1624, 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. 1038, by House Committee on Commerce & Gaming (originally sponsored by Representatives Condotta, Stanford, Johnson, Vick, Haler and Sawyer)

Increasing the number of tasting rooms allowed under a domestic winery license.

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, beginning on line 12, strike all of section 2

On page 1, beginning on line 2 of the title, after "license;" strike the remainder of the title and insert "and amending RCW 66.24.170."

Senator Baumgartner spoke in favor of adoption of the committee 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 Substitute House Bill No. 1038.

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

MOTION

On motion of Senator Baumgartner, the rules were suspended, Substitute House Bill No. 1038 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 Baumgartner 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. 1038 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1038 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Rossi,

Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Carlyle, Darneille, Padden, Pearson, Van De Wege and Wellman

SUBSTITUTE HOUSE BILL NO. 1038, 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

SENATE BILL NO. 5741, by Senator King

Clarifying the collection of fuel taxes within tribal jurisdictions.

The measure was read the second time.

MOTION

Senator King moved that the following floor striking amendment no. 259 by Senator King be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 32. It is the legislature's intent to honor the treaty rights of the Yakama Nation, while protecting the state's interest in collecting and enforcing its fuel taxes.

Sec. 33. RCW 82.38.031 and 2007 c 515 s 33 are each amended to read as follows:

(1) It is the intent and purpose of this chapter that the tax ((shall)) must be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.38.030 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event ((shall)) does not prevent tax liability from arising by reason of a subsequent taxable event.

(2) It is the intent of the legislature that, in the absence of a tribal fuel tax agreement, as referenced in RCW 82.38.310, applicable taxes imposed by this chapter be collected on motor vehicle fuel sold by a business owned or operated by a tribe or an enrolled member of the tribe, when such sale is to any person who is not an enrolled member of the same tribe as the business owner or operator, consistent with collection of these taxes generally within the state. The legislature finds that applicable collection and enforcement measures under this chapter are reasonably necessary to prevent fraudulent transactions and place a minimal burden on the Indian tribal organization pursuant to the United States supreme court's decision in *Washington v. Confederated Tribes of the Colville Indian Reservation*, 447 U.S. 134 (1980).

Sec. 34. RCW 82.38.035 and 2013 c 225 s 105 are each amended to read as follows:

(1) A licensed supplier is liable for and must pay tax on fuel as provided in RCW 82.38.030((7)) (9) (a) and (i). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer ((shall be)) is liable for and pay the tax.

(2) A refiner is liable for and must pay tax on fuel removed from a refinery as provided in RCW 82.38.030((7)) (9)(b).

(3) A licensed distributor is liable for and must pay tax on fuel as provided in RCW 82.38.030((7)) (9)(c).

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(4) A licensed blender is liable for and must pay tax on fuel as provided in RCW 82.38.030((7)) (9)(f).

(5) A licensed dyed special fuel user is liable for and must pay tax on fuel as provided in RCW 82.38.030((7)) (9)(g).

(6) A terminal operator is jointly and severally liable for and must pay tax if, at the time of removal:

(a) The position holder of the fuel is a person other than the terminal operator and is not a licensee;

(b) The terminal operator is not a licensee;

(c) The position holder has an expired internal revenue notification certificate;

(d) The terminal operator has reason to believe that information on the internal revenue notification certificate is false.

(7) A terminal operator is jointly and severally liable for and must pay tax on special fuel if the special fuel is removed and is not dyed or marked in accordance with internal revenue service requirements, and the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating the special fuel is dyed or marked in accordance with internal revenue service requirements.

(8) International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay tax on fuel used to operate motor vehicles on state highways.

(9) Dyed special fuel users are liable for and must pay tax on dyed special fuel used on state highways unless the use of the fuel is exempt from the tax.

(10) Any person who purchases fuel from a business that is owned or operated by a federally recognized Indian tribe or an enrolled member of such tribe and the tribe does not have a fuel tax agreement with the state as referenced in RCW 82.38.310, and who is not an enrolled member of the same tribe as the business owner or operator from whom the person purchases fuel, is liable for the applicable taxes imposed by this chapter if those taxes have not been paid by any of the entities listed under subsections (1) through (4) of this section.

NEW SECTION. Sec. 35. A new section is added to chapter 82.38 RCW to read as follows:

The department, in conjunction with the state patrol, must adopt rules to develop enforcement mechanisms for the collection of taxes owed under RCW 82.38.035(10)."

On page 1, line 1 of the title, after "taxes" strike the remainder of the title and insert "on motor vehicle fuel sold by businesses owned or operated by a tribe or member of the tribe; amending RCW 82.38.031 and 82.38.035; adding a new section to chapter 82.38 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 259 by Senator King to Senate Bill No. 5741.

The motion by Senator King carried and floor striking amendment no. 259 was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5741 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5741.

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5741 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5741, 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. 1183, by House Committee on Appropriations (originally sponsored by Representatives McBride, Chapman, Haler, Ryu, Robinson, McDonald, Stambaugh, Frame, Senn, Riccelli, Dolan and Hudgins)

Authorizing specified local governments, including municipalities and federally recognized Indian tribes, that typically have limited access to economic development resources, to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission.

The measure was read the second time.

MOTION

Senator Warnick moved that the following committee striking amendment by the Committee on Agriculture, Water, Trade & Economic Development be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 36.

(1) The legislature finds that:

(a) A creative district is a designated, geographical, mixed-use area of a community in which a high concentration of cultural facilities, creative businesses, or arts-related businesses serve as a collective anchor of public attraction;

(b) In certain cases, multiple vacant properties in close proximity may exist within a community that would be suitable for redevelopment as a creative district;

(c) Creative districts are a highly adaptable economic development tool that is able to take a community's unique conditions, assets, needs, and opportunities into account and thereby address the needs of large, small, rural, and urban areas;

(d) Creative districts may be home to both nonprofit and for-profit creative industries and organizations;

(e) The arts and culture transcend boundaries of race, age, gender, language, and social status; and

(f) Creative districts promote and improve communities in particular and the state more generally in many ways. Specifically, such districts:

(i) Attract artists and creative entrepreneurs to a community and thereby infuse the community with energy and innovation and enhance the economic and civic capital of the community;

(ii) Create a hub of economic activity that helps an area become an appealing place to live, visit, and conduct business,

complements adjacent businesses, creates new economic opportunities and jobs in both the cultural sector and other local industries, and attracts new businesses and assists in the recruitment of employees;

(iii) Establish marketable tourism assets that highlight the distinct identity of communities, attract in-state, out-of-state, and international visitors, and become especially attractive destinations for cultural, recreational, and business travelers;

(iv) Revitalize and beautify neighborhoods, cities, and larger regions, reverse urban decay, promote the preservation of historic buildings, and facilitate a healthy mixture of business and residential activity that contributes to reduced vacancy rates and enhanced property values;

(v) Provide a focal point for celebrating and strengthening a community's unique cultural identity, providing communities with opportunities to highlight existing cultural amenities as well as mechanisms to recruit and establish new artists, creative industries, and organizations;

(vi) Provide artists with a creative area in which they can live and work, with living spaces that enable them to work in artistic fields and find affordable housing close to their place of employment; and

(vii) Enhance property values. Successful creative districts combine improvements to public spaces such as parks, waterfronts, and pedestrian corridors, alongside property development. The redevelopment of abandoned properties and historic sites and recruiting businesses to occupy vacant spaces can also contribute to reduced vacancy rates and enhanced property values.

(2) It is the intent of the legislature that the state provide leadership, technical support, and the infrastructure to local communities desirous of creating their own creative districts by, among other things, certifying districts, offering available incentives to encourage business development, exploring new incentives that are directly related to creative enterprises, facilitating local access to state assistance, enhancing the visibility of creative districts, providing technical assistance and planning help, ensuring broad and equitable program benefits, and fostering a supportive climate for the arts and culture, thereby contributing to the development of healthy communities across the state and improving the quality of life of the state's residents.

NEW SECTION. Sec. 37. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington state arts commission.

(2) "Coordinator" means the employee of the Washington state arts commission who is responsible for performing the specific tasks under section 5 of this act.

(3) "Creative district" means a land area designated by a local government in accordance with section 3 of this act that contains either a hub of cultural facilities, creative industries, or arts-related businesses, or multiple vacant properties in close proximity that would be suitable for redevelopment as a creative district.

(4) "Local government" means a city, county, or town.

(5) "State-certified creative district" means a creative district whose application for certification has been approved by the commission.

NEW SECTION. Sec. 38. (1) A local government may designate a creative district within its territorial boundaries subject to certification as a state-certified creative district by the commission. Two or more local governments may jointly apply for certification of a creative district that extends across a common boundary.

(2) In order to receive certification as a state-certified creative district, a creative district must:

(a) Be a geographically contiguous area;

(b) Be distinguished by physical, artistic, or cultural resources that play a vital role in the quality and life of a community, including its economic and cultural development;

(c) Be the site of a concentration of artistic or cultural activity, a major arts or cultural institution or facility, arts and entertainment businesses, an area with arts and cultural activities, or artistic or cultural production;

(d) Be engaged in the promotional, preservation, and educational aspects of the arts and culture of the community and contribute to the public through interpretive, educational, or recreational uses; and

(e) Satisfy any additional criteria required by the commission that in its discretion will further the purposes of sections 2 through 5 of this act. Any additional eligibility criteria must be posted by the commission on its public web site.

(3) The commission may grant certification to a creative district that does not qualify for certification under subsection (2) of this section if the land area proposed for certification contains multiple vacant properties in close proximity that would be suitable, as determined by the commission, for redevelopment as a creative district.

NEW SECTION. Sec. 39. (1) Subject to the availability of amounts appropriated for this specific purpose, the commission may create a process for review of applications submitted by local governments or federally recognized Indian tribes for certification of state-certified creative districts. The application must be submitted on a standard form developed and approved by the commission.

(2) After reviewing an application for certification, the commission must approve or reject the application or return it to the applicant with a request for changes or additional information. The commission may request that an applicant provide relevant information supporting an application. Rejected applicants may reapply at any time in coordination with program guidelines.

(3) Certification must be based upon the criteria specified in section 3 of this act.

(4) If the commission approves an application for certification, it must notify the applicant in writing and must specify the terms and conditions of the commission's approval, including the terms and conditions set forth in the application and as modified by written agreement between the applicant and the commission.

(5) Upon approval by the commission of an application for certification, a creative district becomes a state-certified creative district with all of the attendant benefits under sections 2 through 5 of this act.

(6) The commission may revoke a certification previously granted for failure by a local government to comply with the requirements of this section or an agreement executed pursuant to this section.

(7) In addition to any powers explicitly granted to the commission under sections 2 through 5 of this act, the commission is granted such additional powers as are necessary to carry out the purposes of sections 2 through 5 of this act. Where authorized by law, such powers may include offering incentives to state-certified creative districts to encourage business development, exploring new incentives that are directly related to creative enterprises, facilitating local access to state economic development assistance, enhancing the visibility of state-certified creative districts, providing state-certified creative districts with technical assistance and planning aid, ensuring broad and equitable program benefits, and fostering a supportive climate for the arts and culture within the state.

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(8) The creation of a district under this section may not be used to prohibit any particular business or the development of residential real property within the boundaries of the district or to impose a burden on the operation or use of any particular business or parcel of residential real property located within the boundaries of the district.

NEW SECTION. Sec. 40. Subject to the availability of amounts appropriated for this specific purpose, the commission may appoint a coordinator. The coordinator must:

(1) Review applications for certification and make a recommendation to the commission for action;

(2) Administer and promote the application process for the certification of creative districts;

(3) With the approval of the commission, develop standards and policies for the certification of state-certified creative districts. Any approved standards and policies must be posted on the commission's public web site;

(4) Require periodic written reports from any state-certified creative district for the purpose of reviewing the activities of the district, including the compliance of the district with the policies and standards developed under this section and with the conditions of an approved application for certification;

(5) Identify available public and private resources, including any applicable economic development incentives and other tools, that support and enhance the development and maintenance of creative districts and, with the assistance of the commission, ensure that such programs and services are accessible to creative districts; and

(6) With the approval of the commission, develop such additional procedures as may be necessary to administer this section. Any approved procedures must be posted on the commission's public web site.

NEW SECTION. Sec. 41. Sections 2 through 5 of this act are each added to chapter 43.46 RCW."

On page 1, line 1 of the title, after "governments" strike the remainder of the title and insert "to designate a portion of their territory as a creative district subject to certification by the Washington state arts commission; adding new sections to chapter 43.46 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Trade & Economic Development to Substitute House Bill No. 1183.

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

MOTION

On motion of Senator Warnick, the rules were suspended, Substitute House Bill No. 1183 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 Warnick, Chase, Brown, Baumgartner and Wellman 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. 1183 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1183 as amended by the Senate and the bill passed

the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

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

Voting nay: Senators Bailey, Braun, Erickson, Padden, Schoesler and Wilson

SUBSTITUTE HOUSE BILL NO. 1183, 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

SENATE BILL NO. 5915, by Senator Braun

Concerning central service functions, powers, and duties of state government.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5915 was substituted for Senate Bill No. 5915 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hunt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5915.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5915 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

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

Voting nay: Senators Carlyle, Chase, Cleveland, Darneille, Frockt, Hasegawa, Hunt, Keiser, Kuderer, McCoy, Nelson, Ranker, Rolfes, Saldaña and Wellman

SUBSTITUTE SENATE BILL NO. 5915, 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. 1719, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Lovick, Dent, Kagi, Senn and Frame)

Updating certain department of early learning advising and contracting mechanisms to reflect federal requirements, legislative mandates, and planned system improvements.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 42. RCW 43.215.090 and 2015 3rd sp.s. c 7 s 16 are each amended to read as follows:

(1) The early learning advisory council is established to advise the department on statewide early learning issues that ((would build)) contribute to the ongoing efforts of building a comprehensive system of quality early learning programs and services for Washington's young children and families ((by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development of early childhood educators, and establishing key performance measures)).

(2) The council shall work in conjunction with the department to ((develop a statewide early learning plan that guides)) assist in policy development and implementation that assist the department in promoting alignment of private and public sector actions, objectives, and resources, ((and)) ensuring school readiness.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall include critical partners in service delivery and reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Councilmembers shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of ((not more than twenty three)) members essential to coordinating services statewide prenatal through age five, as follows:

(a) In addition to being staffed and supported by the department, the governor shall appoint ((at least)) one representative from each of the following: The ((department, the office of financial management, the department of social and health services, the)) department of health, the student achievement council, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint ((seven)) leaders in early childhood education to represent critical service delivery and support sectors, with at least one ((representative with experience or expertise in one or more of the areas such as)) individual representing each of the following: ((The K-12 system, family day care providers, and child care centers with four of the seven governor's appointees made as follows:))

(i) The head start state collaboration office director or the director's designee;

(ii) A representative of a head start, early head start, or migrant/seasonal head start((, or tribal head start)) program;

(iii) A representative of a local education agency; ((and))

(iv) A representative of the state agency responsible for programs under section 619 or part C of the federal individuals with disabilities education act;

(v) A representative of the early childhood education and assistance program;

(vi) A representative of licensed family day care providers;

(vii) A representative of child day care centers; and

(viii) A representative from the home visiting advisory committee established in RCW 43.215.130;

(d) Two members of the house of representatives, one from each caucus, ((and two members of the senate, one from each caucus,)) to be appointed by the speaker of the house of representatives and ((the president of the senate, respectively)) two members of the senate, one from each caucus, to be appointed by the majority leader in the senate and the minority leader in the senate;

(e) Two parents, one of whom serves on the department's parent advisory group, to be appointed by the governor;

(f) One representative of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative from the developmental disabilities community;

(h) Two representatives from early learning regional coalitions;

(i) Representatives of underserved communities who have a special expertise or interest in high quality early learning, one to be appointed by each of the following commissions:

(j) The Washington state commission on Asian Pacific American affairs;

(k) The Washington state commission on African-American affairs; and

(l) The Washington state commission on Hispanic affairs;

((g) One)) (j) Two representatives designated by sovereign tribal governments, one of whom must be a representative of a tribal early childhood education assistance program or head start program; ((and))

((h))) (k) One representative from the Washington federation of independent schools;

(l) One representative from the Washington library association; and

(m) One representative from a statewide advocacy coalition of organizations that focuses on early learning.

(6) The council shall be cochaired by ((one representative of a state agency and one nongovernmental)) two members, to be elected by the council for two-year terms and not more than one cochair may represent a state agency.

(7) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter 234, Laws of 2010.

(8) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(9)(a) The council shall convene an early achievers review subcommittee to provide feedback and guidance on strategies to improve the quality of instruction and environment for early learning and provide input and recommendations on the implementation and refinement of the early achievers program. The review conducted by the subcommittee shall be a part of the annual progress report required in RCW 43.215.102. At a minimum the review shall address the following:

(i) Adequacy of data collection procedures;

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- (ii) Coaching and technical assistance standards;
 - (iii) Progress in reducing barriers to participation for low-income providers and providers from diverse cultural backgrounds, including a review of the early achievers program's rating tools, quality standard areas, and components, and how they are applied;
 - (iv) Strategies in response to data on the effectiveness of early achievers program standards in relation to providers and children from diverse cultural backgrounds;
 - (v) Status of the life circumstance exemption protocols; and
 - (vi) Analysis of early achievers program data trends.
- (b) The subcommittee must include consideration of cultural linguistic responsiveness when analyzing the areas for review required by (a) of this subsection.
- (c) The subcommittee shall include representatives from child care centers, family child care, the early childhood education and assistance program, contractors for early achievers program technical assistance and coaching, tribal governments, the organization responsible for conducting early ~~((achiever))~~ achievers program ratings, and parents of children participating in early learning programs, including working connections child care and early childhood education and assistance programs. The subcommittee shall include representatives from diverse cultural and linguistic backgrounds.

(10) The department shall provide staff support to the council.

Sec. 43. RCW 43.215.130 and 2013 c 165 s 1 are each amended to read as follows:

(1)(a) The home visiting services account is created in the state treasury. Revenues to the account shall consist of appropriations by the legislature and all other sources deposited in the account. All federal funds received by the department for home visiting activities must be deposited into the account.

(b)(i) Expenditures from the account shall be used for state matching funds for the purposes of the program established in this section and federally funded activities for the home visiting program, including administrative expenses.

(ii) The department oversees the account and is the lead state agency for home visiting system development. The nongovernmental private-public partnership ~~((administers))~~ supports the home visiting service delivery system and provides ~~((implementation))~~ support functions to funded programs.

(iii) It is the intent of the legislature that state funds invested in the account be matched ~~((at fifty percent))~~ by the private-public partnership each fiscal year. ~~((However, state funds in the account may be accessed in the event that the private public partnership fails to meet the fifty percent match target. Should the private public partnership not meet the fifty percent match target by the conclusion of the fiscal year ending on June 30th, the department and the private public partnership, shall jointly submit a report to the relevant legislative committees detailing the reasons why the fifty percent match target was not met, the actual match rate achieved, and a plan to achieve fifty percent match in the subsequent fiscal year. This report shall be submitted as promptly as practicable, but the lack of receipt of this report shall not prevent state funds in the account from being accessed.))~~

(iv) Amounts used for program administration by the department may not exceed an average of ~~((four))~~ ten percent in any two consecutive fiscal years.

(v) Authorizations for expenditures may be given only after private funds are committed. The nongovernmental private-public partnership must report to the department quarterly to demonstrate ~~((sufficient))~~ investment of private match funds.

(c) Expenditures from the account are subject to appropriation and the allotment provisions of chapter 43.88 RCW.

(2) The department must expend moneys from the account to provide state matching funds for partnership activities to implement home visiting services and administer the infrastructure necessary to develop, support, and evaluate evidence-based, research-based, and promising home visiting programs.

(3) Activities eligible for funding through the account include, but are not limited to:

(a) Home visiting services that achieve one or more of the following: (i) Enhancing child development and well-being by alleviating the effects on child development of poverty and other known risk factors; (ii) reducing the incidence of child abuse and neglect; or (iii) promoting school readiness for young children and their families; and

(b) Development and maintenance of the infrastructure for home visiting programs, including training, quality improvement, and evaluation.

(4) Beginning July 1, 2010, the department shall contract with the nongovernmental private-public partnership designated in RCW 43.215.070 to ~~((administer))~~ support programs funded through the home visiting services account. The department shall monitor performance and provide periodic reports on the ~~((use))~~ uses and outcomes of the home visiting services account.

(5) The ~~((nongovernmental private public partnership))~~ department shall, in the administration of the programs:

(a) Fund programs through a competitive bid process or in compliance with the regulations of the funding source; and

(b) Convene an advisory committee of early learning and home visiting experts, including one representative from the department, to advise the partnership regarding research and the distribution of funds from the account to eligible programs."

On page 1, line 3 of the title, after "improvements;" strike the remainder of the title and insert "and amending RCW 43.215.090 and 43.215.130."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1719.

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

MOTION

On motion of Senator Zeiger, the rules were suspended, Engrossed Substitute House Bill No. 1719 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 Zeiger and Billig 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. 1719 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1719 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Darneille, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet,

Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfes, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Becker, Honeyford, Padden and Short

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1719, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Doglio, Ryu, Pollet, Peterson, McBride, Wylie, Stonier, Goodman, Sawyer, Bergquist, Gregerson, Sullivan, Lytton, Tharinger, Chapman, Lovick, Senn, Hansen, Sells, Frame, Fitzgibbon, Riccelli, Macri, Jinkins, Dolan, Stanford, Orwall, Ortiz-Self, Farrell, Slatter, Tarleton, Clibborn, Fey, Kilduff, Reeves, Pettigrew, Appleton, Robinson, Blake, Ormsby, Pellicciotti, Kloba, Hudgins and Santos)

Concerning nursing staffing practices at hospitals.

The measure was read the second time.

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute House Bill No. 1714 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1055, by House Committee on Appropriations (originally sponsored by Representatives Kilduff, Muri, Haler, Shea, Appleton, Klippert, Lovick, Stokesbary, Stanford, Jinkins, Reeves, MacEwen, Koster, Hayes, Barkis, Kloba, Frame, Ormsby, Bergquist, Goodman, Gregerson, Young, Kirby, Fey, Slatter, Sawyer and Tarleton)

Concerning pro bono legal services for military service members, veterans, and their families.

The measure was read the second time.

MOTION

Senator O'Ban 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. 44. (1) Subject to the availability of amounts appropriated for this specific purpose, there is hereby created an office of military and veteran legal assistance within the office of the attorney general for the purpose of promoting and facilitating civil legal assistance programs, pro bono services, and self-help services for military service members, veterans, and their family members domiciled or stationed in Washington state.

(2) For the purposes of sections 1 through 3 of this act, the following definitions apply:

(a) The term "service member" means an active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

(b) The term "veteran" has the same meaning as defined in RCW 41.04.005 and 41.04.007.

(c) The term "family member" means the spouse or domestic partner, surviving spouse, surviving domestic partner, and dependent minor children under twenty-one years of age of a living or deceased service member or veteran for whom the service member or veteran provided at least one-half of that person's support in the previous one hundred eighty days before seeking assistance of the programs and services authorized by this chapter.

(3) The attorney general may not directly provide legal assistance, advice, or representation in any context, unless otherwise authorized by law, and the attorney general may not provide legal assistance programs, pro bono services, or self-help services to a service member, veteran, or family member being criminally prosecuted.

NEW SECTION. Sec. 45. The office of military and veteran legal assistance shall:

(1) Recruit and train volunteer attorneys and identify service programs willing to perform pro bono services for service members, veterans, and their family members, and create and maintain a registry of the same;

(2) Assess and assign requests for pro bono services to volunteer attorneys and service programs registered with the office; and

(3) Establish an advisory committee that will include, among others, representatives from legal assistance offices on military installations, the office of civil legal aid, the Washington state bar association's legal assistance to military personnel section, the Washington state veterans bar association, relevant office of military service and support organizations, and organizations involved in coordinating, supporting, and delivering civil legal aid and pro bono legal services in Washington state. The committee shall provide advice and assistance regarding program design, operation, volunteer recruitment and support strategies, service delivery objectives and priorities, and funding.

NEW SECTION. Sec. 46. The attorney general may apply for and receive grants, gifts, donations, bequests, or other contributions to help support and to be used exclusively for the operations of the office of military and veteran legal assistance.

NEW SECTION. Sec. 47. Sections 1 through 3 of this act are each added to chapter 43.10 RCW."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "and adding new sections to chapter 43.10 RCW."

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. 1055.

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, Substitute House Bill No. 1055 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 O'Ban, Pedersen and Padden 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. 1055 as amended by the Senate.

The Secretary called the roll on the final passage of Substitute House Bill No. 1055 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: 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, Rolfsen, Rossi, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 1055, 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.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1714 which had been deferred earlier in the day.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Doglio, Ryu, Pollet, Peterson, McBride, Wylie, Stonier, Goodman, Sawyer, Bergquist, Gregerson, Sullivan, Lytton, Tharinger, Chapman, Lovick, Senn, Hansen, Sells, Frame, Fitzgibbon, Riccelli, Macri, Jinkins, Dolan, Stanford, Orwall, Ortiz-Self, Farrell, Slatter, Tarleton, Clibborn, Fey, Kilduff, Reeves, Pettigrew, Appleton, Robinson, Blake, Ormsby, Pellicciotti, Kloba, Hudgins and Santos)

Concerning nursing staffing practices at hospitals.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 48. The legislature finds that:

(1) Research demonstrates that registered nurses play a critical role in improving patient safety and quality of care;

(2) Appropriate staffing of hospital personnel including registered nurses available for patient care assists in reducing errors, complications, and adverse patient care events and can improve staff safety and satisfaction and reduce incidences of workplace injuries;

(3) Health care professional, technical, and support staff comprise vital components of the patient care team, bringing their particular skills and services to ensuring quality patient care;

(4) Assuring sufficient staffing of hospital personnel, including registered nurses, is an urgent public policy priority in order to protect patients and support greater retention of registered nurses and safer working conditions; and

(5) Steps should be taken to promote evidence-based nurse staffing and increase transparency of health care data and decision making based on the data.

Sec. 49. RCW 70.41.420 and 2008 c 47 s 3 are each amended to read as follows:

(1) By September 1, 2008, each hospital shall establish a nurse staffing committee, either by creating a new committee or assigning the functions of a nurse staffing committee to an existing committee. At least one-half of the members of the nurse staffing committee shall be registered nurses currently providing direct patient care and up to one-half of the members shall be determined by the hospital administration. The selection of the registered nurses providing direct patient care shall be according to the collective bargaining agreement if there is one in effect at the hospital. If there is no applicable collective bargaining agreement, the members of the nurse staffing committee who are registered nurses providing direct patient care shall be selected by their peers.

(2) Participation in the nurse staffing committee by a hospital employee shall be on scheduled work time and compensated at the appropriate rate of pay. Nurse staffing committee members shall be relieved of all other work duties during meetings of the committee.

(3) Primary responsibilities of the nurse staffing committee shall include:

(a) Development and oversight of an annual patient care unit and shift-based nurse staffing plan, based on the needs of patients, to be used as the primary component of the staffing budget. Factors to be considered in the development of the plan should include, but are not limited to:

(i) Census, including total numbers of patients on the unit on each shift and activity such as patient discharges, admissions, and transfers;

(ii) Level of intensity of all patients and nature of the care to be delivered on each shift;

(iii) Skill mix;

(iv) Level of experience and specialty certification or training of nursing personnel providing care;

(v) The need for specialized or intensive equipment;

(vi) The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing stations, medication preparation areas, and equipment; ((and))

(vii) Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations;

(viii) Availability of other personnel supporting nursing services on the unit; and

(ix) Strategies to enable registered nurses to take meal and rest breaks as required by law or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff.

(b) Semiannual review of the staffing plan against patient need and known evidence-based staffing information, including the nursing sensitive quality indicators collected by the hospital;

(c) Review, assessment, and response to staffing variations or concerns presented to the committee.

(4) In addition to the factors listed in subsection (3)(a) of this section, hospital finances and resources ((may)) must be taken into account in the development of the nurse staffing plan.

(5) The staffing plan must not diminish other standards contained in state or federal law and rules, or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff.

(6) The committee will produce the hospital's annual nurse staffing plan. If this staffing plan is not adopted by the hospital, the chief executive officer shall provide a written explanation of the reasons why the plan was not adopted to the committee. The

chief executive officer must then either: (a) Identify those elements of the proposed plan being changed prior to adoption of the plan by the hospital or (b) prepare an alternate annual staffing plan that must be adopted by the hospital. Beginning January 1, 2019, each hospital shall submit its staffing plan to the department and thereafter on an annual basis and at any time in between that the plan is updated.

(7) Beginning January 1, 2019, each hospital shall implement the staffing plan and assign nursing personnel to each patient care unit in accordance with the plan.

(a) A registered nurse may report to the staffing committee any variations where the nurse personnel assignment in a patient care unit is not in accordance with the adopted staffing plan and may make a complaint to the committee based on the variations.

(b) Shift-to-shift adjustments in staffing levels required by the plan may be made by the appropriate hospital personnel overseeing patient care operations. If a registered nurse on a patient care unit objects to a shift-to-shift adjustment, the registered nurse may submit the complaint to the staffing committee.

(c) Staffing committees shall develop a process to examine and respond to data submitted under (a) and (b) of this subsection, including the ability to determine if a specific complaint is resolved or dismissing a complaint based on unsubstantiated data.

(8) Each hospital shall post, in a public area on each patient care unit, the nurse staffing plan and the nurse staffing schedule for that shift on that unit, as well as the relevant clinical staffing for that shift. The staffing plan and current staffing levels must also be made available to patients and visitors upon request.

((8))) (9) A hospital may not retaliate against or engage in any form of intimidation of:

(a) An employee for performing any duties or responsibilities in connection with the nurse staffing committee; or

(b) An employee, patient, or other individual who notifies the nurse staffing committee or the hospital administration of his or her concerns on nurse staffing.

((9))) (10) This section is not intended to create unreasonable burdens on critical access hospitals under 42 U.S.C. Sec. 1395i-4. Critical access hospitals may develop flexible approaches to accomplish the requirements of this section that may include but are not limited to having nurse staffing committees work by telephone or ((electronic mail)) email.

NEW SECTION. Sec. 50. A new section is added to chapter 70.41 RCW to read as follows:

(1)(a) The department shall investigate a complaint submitted under this section for violation of RCW 70.41.420 following receipt of a complaint with documented evidence of failure to:

(i) Form or establish a staffing committee;
(ii) Conduct a semiannual review of a nurse staffing plan;
(iii) Submit a nurse staffing plan on an annual basis and any updates; or

(iv)(A) Follow the nursing personnel assignments in a patient care unit in violation of RCW 70.41.420(7)(a) or shift-to-shift adjustments in staffing levels in violation of RCW 70.41.420(7)(b).

(B) Prior to investigating a complaint under this subsection (1)(a)(iv), the department shall examine any complaints that were submitted to the hospital's nurse staffing committee under RCW 70.41.420(7) (a) or (b) excluding complaints determined by the nurse staffing committee to be resolved or dismissed. The department may only investigate a complaint under this subsection (1)(a)(iv) after making a preliminary finding that the aggregate data contained in the complaints submitted to the committee in a minimum sixty-day continuous period leading up to the receipt of the complaint by the department indicate a

continuing pattern of unresolved violations of RCW 70.41.420(7) (a) or (b).

(C) The department may not investigate a complaint under this subsection (1)(a)(iv) in the event of unforeseeable emergency circumstances or if the hospital, after consultation with the nurse staffing committee, documents it has made reasonable efforts to obtain staffing to meet required assignments but has been unable to do so.

(b) After an investigation conducted under (a) of this subsection, if the department determines that there has been a violation, the department shall require the hospital to submit a corrective plan of action within forty-five days of the presentation of findings from the department to the hospital.

(2) In the event that a hospital fails to submit or submits but fails to follow such a corrective plan of action in response to a violation or violations found by the department based on a complaint filed pursuant to subsection (1) of this section, the department may impose, for all violations asserted against a hospital at any time, a civil penalty of one hundred dollars per day until the hospital submits or begins to follow a corrective plan of action or takes other action agreed to by the department.

(3) The department shall maintain for public inspection records of any civil penalties, administrative actions, or license suspensions or revocations imposed on hospitals under this section.

(4) For purposes of this section, "unforeseeable emergency circumstance" means:

(a) Any unforeseen national, state, or municipal emergency;

(b) When a hospital disaster plan is activated;

(c) Any unforeseen disaster or other catastrophic event that substantially affects or increases the need for health care services; or

(d) When a hospital is diverting patients to another hospital or hospitals for treatment or the hospital is receiving patients from another hospital or hospitals.

(5) Nothing in this section shall be construed to preclude the ability to otherwise submit a complaint to the department for failure to follow RCW 70.41.420.

NEW SECTION. Sec. 51. This act may be known and cited as the Washington state patient safety act."

On page 1, line of the title, after "hospitals;" strike the remainder of the title and insert "amending RCW 70.41.420; adding a new section to chapter 70.41 RCW; creating new sections; and prescribing penalties."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1714.

The motion by Senator Rivers carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor striking amendment no. 253 by Senator Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 52. The legislature finds that:

(1) Research demonstrates that registered nurses play a critical role in improving patient safety and quality of care;

(2) Appropriate staffing of hospital personnel including registered nurses available for patient care assists in reducing errors, complications, and adverse patient care events and can

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improve staff safety and satisfaction and reduce incidences of workplace injuries;

(3) Health care professional, technical, and support staff comprise vital components of the patient care team, bringing their particular skills and services to ensuring quality patient care;

(4) Assuring sufficient staffing of hospital personnel, including registered nurses, is an urgent public policy priority in order to protect patients and support greater retention of registered nurses and safer working conditions; and

(5) Steps should be taken to promote evidence-based nurse staffing and increase transparency of health care data and decision making based on the data.

Sec. 53. RCW 70.41.420 and 2008 c 47 s 3 are each amended to read as follows:

(1) By September 1, 2008, each hospital shall establish a nurse staffing committee, either by creating a new committee or assigning the functions of a nurse staffing committee to an existing committee. At least one-half of the members of the nurse staffing committee shall be registered nurses currently providing direct patient care and up to one-half of the members shall be determined by the hospital administration. The selection of the registered nurses providing direct patient care shall be according to the collective bargaining agreement if there is one in effect at the hospital. If there is no applicable collective bargaining agreement, the members of the nurse staffing committee who are registered nurses providing direct patient care shall be selected by their peers.

(2) Participation in the nurse staffing committee by a hospital employee shall be on scheduled work time and compensated at the appropriate rate of pay. Nurse staffing committee members shall be relieved of all other work duties during meetings of the committee.

(3) Primary responsibilities of the nurse staffing committee shall include:

(a) Development and oversight of an annual patient care unit and shift-based nurse staffing plan, based on the needs of patients, to be used as the primary component of the staffing budget. Factors to be considered in the development of the plan should include, but are not limited to:

(i) Census, including total numbers of patients on the unit on each shift and activity such as patient discharges, admissions, and transfers;

(ii) Level of intensity of all patients and nature of the care to be delivered on each shift;

(iii) Skill mix;

(iv) Level of experience and specialty certification or training of nursing personnel providing care;

(v) The need for specialized or intensive equipment;

(vi) The architecture and geography of the patient care unit, including but not limited to placement of patient rooms, treatment areas, nursing stations, medication preparation areas, and equipment; ((and))

(vii) Staffing guidelines adopted or published by national nursing professional associations, specialty nursing organizations, and other health professional organizations;

(viii) Availability of other personnel supporting nursing services on the unit; and

(ix) Strategies to enable registered nurses to take meal and rest breaks as required by law or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff;

(b) Semiannual review of the staffing plan against patient need and known evidence-based staffing information, including the nursing sensitive quality indicators collected by the hospital;

(c) Review, assessment, and response to staffing variations or concerns presented to the committee.

(4) In addition to the factors listed in subsection (3)(a) of this section, hospital finances and resources ((may)) must be taken into account in the development of the nurse staffing plan.

(5) The staffing plan must not diminish other standards contained in state or federal law and rules, or the terms of an applicable collective bargaining agreement, if any, between the hospital and a representative of the nursing staff.

(6) The committee will produce the hospital's annual nurse staffing plan. If this staffing plan is not adopted by the hospital, the chief executive officer shall provide a written explanation of the reasons why the plan was not adopted to the committee. The chief executive officer must then either: (a) Identify those elements of the proposed plan being changed prior to adoption of the plan by the hospital or (b) prepare an alternate annual staffing plan that must be adopted by the hospital. Beginning January 1, 2019, each hospital shall submit its staffing plan to the department and thereafter on an annual basis and at any time in between that the plan is updated.

(7) Beginning January 1, 2019, each hospital shall implement the staffing plan and assign nursing personnel to each patient care unit in accordance with the plan.

(a) A registered nurse may report to the staffing committee any variations where the nurse personnel assignment in a patient care unit is not in accordance with the adopted staffing plan and may make a complaint to the committee based on the variations.

(b) Shift-to-shift adjustments in staffing levels required by the plan may be made by the appropriate hospital personnel overseeing patient care operations. If a registered nurse on a patient care unit objects to a shift-to-shift adjustment, the registered nurse may submit the complaint to the staffing committee.

(c) Staffing committees shall develop a process to examine and respond to data submitted under (a) and (b) of this subsection, including the ability to determine if a specific complaint is resolved or dismissing a complaint based on unsubstantiated data.

(8) Each hospital shall post, in a public area on each patient care unit, the nurse staffing plan and the nurse staffing schedule for that shift on that unit, as well as the relevant clinical staffing for that shift. The staffing plan and current staffing levels must also be made available to patients and visitors upon request.

((8))) (9) A hospital may not retaliate against or engage in any form of intimidation of:

(a) An employee for performing any duties or responsibilities in connection with the nurse staffing committee; or

(b) An employee, patient, or other individual who notifies the nurse staffing committee or the hospital administration of his or her concerns on nurse staffing.

((9))) (10) This section is not intended to create unreasonable burdens on critical access hospitals under 42 U.S.C. Sec. 1395i-4. Critical access hospitals may develop flexible approaches to accomplish the requirements of this section that may include but are not limited to having nurse staffing committees work by telephone or ((electronic mail)) email.

NEW SECTION. Sec. 54. A new section is added to chapter 70.41 RCW to read as follows:

(1)(a) The department shall investigate a complaint submitted under this section for violation of RCW 70.41.420 following receipt of a complaint with documented evidence of failure to:

(i) Form or establish a staffing committee;

(ii) Conduct a semiannual review of a nurse staffing plan;

(iii) Submit a nurse staffing plan on an annual basis and any updates; or

(iv)(A) Follow the nursing personnel assignments in a patient care unit in violation of RCW 70.41.420(7)(a) or shift-to-shift adjustments in staffing levels in violation of RCW 70.41.420(7)(b).

(B) The department may only investigate a complaint under this subsection (1)(a)(iv) after making an assessment that the submitted evidence indicates a continuing pattern of unresolved violations of RCW 70.41.420(7)(a) or (b), that were submitted to the nurse staffing committee excluding complaints determined by the nurse staffing committee to be resolved or dismissed. The submitted evidence must include the aggregate data contained in the complaints submitted to the hospital's nurse staffing committee that indicate a continuing pattern of unresolved violations for a minimum sixty-day continuous period leading up to receipt of the complaint by the department.

(C) The department may not investigate a complaint under this subsection (1)(a)(iv) in the event of unforeseeable emergency circumstances or if the hospital, after consultation with the nurse staffing committee, documents it has made reasonable efforts to obtain staffing to meet required assignments but has been unable to do so.

(b) After an investigation conducted under (a) of this subsection, if the department determines that there has been a violation, the department shall require the hospital to submit a corrective plan of action within forty-five days of the presentation of findings from the department to the hospital.

(2) In the event that a hospital fails to submit or submits but fails to follow such a corrective plan of action in response to a violation or violations found by the department based on a complaint filed pursuant to subsection (1) of this section, the department may impose, for all violations asserted against a hospital at any time, a civil penalty of one hundred dollars per day until the hospital submits or begins to follow a corrective plan of action or takes other action agreed to by the department.

(3) The department shall maintain for public inspection records of any civil penalties, administrative actions, or license suspensions or revocations imposed on hospitals under this section.

(4) For purposes of this section, "unforeseeable emergency circumstance" means:

- (a) Any unforeseen national, state, or municipal emergency;
- (b) When a hospital disaster plan is activated;

(c) Any unforeseen disaster or other catastrophic event that substantially affects or increases the need for health care services; or

(d) When a hospital is diverting patients to another hospital or hospitals for treatment or the hospital is receiving patients who are from another hospital or hospitals.

(5) Nothing in this section shall be construed to preclude the ability to otherwise submit a complaint to the department for failure to follow RCW 70.41.420.

(6) The department shall submit a report to the legislature on December 31, 2022. This report shall include the number of complaints submitted to the department under this section, the disposition of these complaints, the number of investigations conducted, the associated costs for complaint investigations, and recommendations for any needed statutory changes. The department shall also project, based on experience, the impact, if any, on hospital licensing fees over the next four years. Prior to the submission of the report, the secretary shall convene a stakeholder group consisting of the Washington state hospital association, the Washington state nurses association, service employees international union healthcare 1199NW, and united food and commercial workers 21. The stakeholder group shall review the report prior to its submission to review findings and

jointly develop any legislative recommendations to be included in the report.

(7) No fees shall be increased to implement this act prior to June 1, 2023.

NEW SECTION. Sec. 55. This act expires June 1, 2023.

NEW SECTION. Sec. 56. This act may be known and cited as the Washington state patient safety act."

On page 1, line 1 of the title, after "hospitals;" strike the remainder of the title and insert "amending RCW 70.41.420; adding a new section to chapter 70.41 RCW; creating new sections; prescribing penalties; and providing an expiration date."

The President declared the question before the Senate to be the adoption of floor striking amendment no. 253 by Senator Rivers to Engrossed Substitute House Bill No. 1714.

The motion by Senator Rivers carried and floor striking amendment no. 253 was adopted by voice vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 1714 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, Conway 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 Substitute House Bill No. 1714 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1714 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel, Brown, Honeyford, Schoesler, Short, Warnick and Wilson

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714, 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. 1747, by House Committee on Finance (originally sponsored by Representatives Taylor, McCaslin, Volz, Young and Shea)

Concerning the withdrawal of land from a designated classification.

The measure was read the second time.

MOTION

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On motion of Senator Warnick, the rules were suspended, Substitute House Bill No. 1747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Chase 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. 1747.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1747 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

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

Voting nay: Senators Hasegawa, Hunt, Keiser, Kuderer, Lias and Nelson

SUBSTITUTE HOUSE BILL NO. 1747, 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. 1815, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kilduff, Rodne, Senn, Muri, Lovick, Ortiz-Self, Orwall and Frame)

Concerning the rights of an alleged parent in dependency proceedings.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Substitute House Bill No. 1815 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 Substitute House Bill No. 1815.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1815 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pearson, Pedersen, Ranker, Rivers, Rolfs, Rossi, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senators Padden and Short

SUBSTITUTE HOUSE BILL NO. 1815, 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. 1547, by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick and Cody)

Exempting certain hospitals from certificate of need requirements for the addition of psychiatric beds until June 2019.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 57. RCW 70.38.111 and 2016 sp.s. c 31 s 4 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under

the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health and formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the

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new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of this chapter ((70.38 RCW)).

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

(10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (10) in its calculations for future certificate of need applications.

(11) To alleviate the need to board psychiatric patients in emergency departments, ((for fiscal year 2015)) for the period of time from the effective date of this section through June 30, 2019:

(a) The department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this ((section)) subsection (11)(a) shall be valid for two years.

(b) The department may not require a certificate of need for:

(i) The addition of beds as described in RCW 70.38.260 (2) and

(3); or

(ii) The construction, development, or establishment of a psychiatric hospital licensed as an establishment under chapter 71.12 RCW that will dedicate at least one-third of its beds to provide treatment to adults on ninety or one hundred eighty-day involuntary commitment orders, as described in RCW 70.38.260(4).

Sec. 58. RCW 70.38.260 and 2015 3rd sp.s. c 22 s 2 are each amended to read as follows:

(1) For a grant awarded during fiscal years 2016 and 2017 by the department of commerce under this section, hospitals licensed under chapter 70.41 RCW and psychiatric hospitals licensed as establishments under chapter 71.12 RCW are not subject to certificate of need requirements for the addition of the number of new psychiatric beds indicated in the grant. The department of commerce may not make a prior approval of a certificate of need application a condition for a grant application under this section. The period during which an approved hospital or psychiatric hospital project qualifies for a certificate of need exemption under this section is two years from the date of the grant award.

(2)(a) Until June 30, 2019, a hospital licensed under chapter 70.41 RCW is exempt from certificate of need requirements for the addition of new psychiatric beds.

(b) A hospital that adds new psychiatric beds under this subsection (2) must:

(i) Notify the department of the addition of new psychiatric beds. The department shall provide the hospital with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Beds granted an exemption under RCW 70.38.111(11)(b) must remain psychiatric beds unless a certificate of need is granted to change their use or the hospital voluntarily reduces its licensed capacity.

(3)(a) Until June 30, 2019, a psychiatric hospital licensed as an establishment under chapter 71.12 RCW is exempt from certificate of need requirements for the one-time addition of up to thirty new psychiatric beds, if it demonstrates to the satisfaction of the department:

(i) That its most recent two years of publicly available fiscal year-end report data as required under RCW 70.170.100 and 43.70.050 reported to the department by the psychiatric hospital, show a payer mix of a minimum of fifty percent medicare and medicaid based on a calculation using patient days; and

(ii) A commitment to maintaining the payer mix in (a) of this subsection for a period of five consecutive years after the beds are made available for use by patients.

(b) A psychiatric hospital that adds new psychiatric beds under this subsection (3) must:

(i) Notify the department of the addition of new psychiatric beds. The department shall provide the psychiatric hospital with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(c) Beds granted an exemption under RCW 70.38.111(11)(b) must remain psychiatric beds unless a certificate of need is granted to change their use or the psychiatric hospital voluntarily reduces its licensed capacity.

(4)(a) Until June 30, 2019, an entity seeking to construct, develop, or establish a psychiatric hospital licensed as an establishment under chapter 71.12 RCW is exempt from certificate of need requirements if the proposed psychiatric hospital will dedicate at least one-third of its beds to providing treatment to adults on ninety or one hundred eighty-day involuntary commitment orders. The psychiatric hospital may also provide treatment to adults on a seventy-two hour detention or fourteen-day involuntary commitment order.

(b) An entity that seeks to construct, develop, or establish a psychiatric hospital under this subsection (4) must:

(i) Notify the department of the construction, development, or establishment. The department shall provide the entity with a notice of exemption within thirty days; and

(ii) Commence the project within two years of the date of receipt of the notice of exemption.

(5) This section expires June 30, ((2019)) 2022.

NEW SECTION. Sec. 59. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "2019;" strike the remainder of the title and insert "amending RCW 70.38.111 and 70.38.260; providing an expiration date; and declaring an emergency."

Senator Becker spoke in favor of adoption of the committee striking amendment.

Senator Cleveland spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Engrossed Substitute House Bill No. 1547.

The motion by Senator Rivers carried and the committee striking amendment was adopted by a rising vote.

MOTION

On motion of Senator Rivers, the rules were suspended, Engrossed Substitute House Bill No. 1547 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 Becker spoke in favor of passage of the bill.

Senators Keiser and Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1547 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1547 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yeas: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Cleveland, Erickson, Fain, Fortunato, Frockt, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Pearson, Rivers, Rossi, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Conway, Darneille, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfs, Saldaña and Wellman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547, 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Harmsworth, Smith, Tarleton and Stanford)

Concerning biometric identifiers.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following floor striking amendment no. 242 by Senators Pedersen and Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 60. The legislature finds that citizens of Washington are increasingly asked to disclose sensitive biological information that uniquely identifies them for commerce, security, and convenience. The collection and marketing of biometric information about individuals, without consent or knowledge of the individual whose data is collected, is of increasing concern. The legislature intends to require a business that collects and can attribute biometric data to a specific uniquely identified individual to disclose how it uses that biometric data and either provide notice to or obtain consent from an individual before enrolling or changing the use of that individual's biometric identifiers in a database.

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NEW SECTION. **Sec. 61.** (1) A person may not enroll a biometric identifier in a database for a commercial purpose, without first providing notice, obtaining consent, or providing a mechanism to prevent the subsequent use of a biometric identifier for a commercial purpose.

(2) The exact notice and type of consent required to achieve compliance with subsection (1) of this section is context-dependent.

(3) Unless consent has been obtained from the individual, a person who has enrolled an individual's biometric identifier may not sell, lease, or otherwise disclose the biometric identifier to another person for a commercial purpose unless the disclosure:

(a) Is consistent with subsections (1), (2), and (4) of this section;

(b) Is necessary to provide a product or service subscribed to, requested, or expressly authorized by the individual;

(c) Is necessary to effect, administer, enforce, or complete a financial transaction that the individual requested, initiated, or authorized, and the third party to whom the biometric identifier is disclosed maintains confidentiality of the biometric identifier and does not further disclose the biometric identifier except as otherwise permitted under this subsection (3);

(d) Is required or expressly authorized by a federal or state statute, or court order;

(e) Is made to a third party who contractually promises that the biometric identifier will not be further disclosed and will not be enrolled in a database for a commercial purpose inconsistent with the notice and consent described in this subsection (3) and subsections (1) and (2) of this section; or

(f) Is made to prepare for litigation or to respond to or participate in judicial process.

(4) A person who knowingly possesses a biometric identifier of an individual that has been enrolled for a commercial purpose:

(a) Must take reasonable care to guard against unauthorized access to and acquisition of biometric identifiers that are in the possession or under the control of the person; and

(b) May retain the biometric identifier no longer than is reasonably necessary to:

(i) Comply with a court order, statute, or public records retention schedule specified under federal, state, or local law;

(ii) Protect against or prevent actual or potential fraud, criminal activity, claims, security threats, or liability; and

(iii) Provide the services for which the biometric identifier is retained.

(5) A person who enrolls a biometric identifier of an individual for a commercial purpose or obtains a biometric identifier of an individual from a third party for a commercial purpose pursuant to this section may not use or disclose it in a manner that is materially inconsistent with the terms under which the biometric identifier was originally provided without obtaining consent for the new terms of use or disclosure.

(6) The limitations on disclosure and retention of biometric identifiers provided in this section do not apply to disclosure or retention of biometric identifiers that have been unenrolled.

(7) Nothing in this section requires an entity to provide notice and obtain consent to collect, capture, or enroll a biometric identifier and store it in a biometric system, or otherwise, in furtherance of a security purpose.

NEW SECTION. **Sec. 62.** The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Biometric identifier" means data generated by automatic measurements of an individual's fingerprint, voiceprint, eye retinas, or irises, that is used to identify a specific individual. "Biometric identifier" does not include a physical or digital

photograph, video or audio recording, or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under the federal health insurance portability and accountability act of 1996.

(2) "Biometric system" means an automated identification system capable of capturing, processing, and storing a biometric identifier, comparing the biometric identifier to one or more references, and matching the biometric identifier to a specific individual.

(3) "Capture" means the process of collecting a biometric identifier from an individual in person.

(4) "Commercial purpose" means a purpose in furtherance of the sale or disclosure to a third party of a biometric identifier for the purpose of marketing of goods or services when such goods or services are unrelated to the initial transaction in which a person first gains possession of an individual's biometric identifier. "Commercial purpose" does not include a security or law enforcement purpose.

(5) "Enroll" means to capture a biometric identifier of an individual, convert it into a reference template that cannot be reconstructed into the original output image, and store it in a database that matches the biometric identifier to a specific individual.

(6) "Law enforcement officer" means a law enforcement officer as defined in RCW 9.41.010 or a federal peace officer as defined in RCW 10.93.020.

(7) "Notice" means a disclosure that is given through a procedure reasonably designed to be readily available to affected individuals.

(8) "Person" means an individual, partnership, corporation, limited liability company, organization, association, or any other legal or commercial entity, but does not include a government agency.

(9) "Security purpose" means the purpose of preventing shoplifting, fraud, or any other misappropriation or theft of a thing of value, including tangible and intangible goods, services, and other purposes in furtherance of protecting the security or integrity of software, accounts, applications, online services, or any person.

NEW SECTION. **Sec. 63.** (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

NEW SECTION. **Sec. 64.** (1) Nothing in this act applies in any manner to a financial institution or an affiliate of a financial institution that is subject to Title V of the federal Gramm-Leach-Bliley act of 1999 and the rules promulgated thereunder.

(2) Nothing in this act applies to activities subject to Title V of the federal health insurance privacy and portability act of 1996 and the rules promulgated thereunder.

(3) Nothing in this act expands or limits the authority of a law enforcement officer acting within the scope of his or her authority including, but not limited to, the authority of a state law enforcement officer in executing lawful searches and seizures.

NEW SECTION. **Sec. 65.** Sections 2 through 5 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 1 of the title, after "identifiers;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and creating a new section."

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

Senator Padden spoke against adoption of the striking amendment.

MOTION

Senator Rolfes demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

MOTION

On motion of Senator Fain, further consideration of Engrossed Substitute House Bill No. 1493 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1314, by House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Jinkins, DeBolt, Cody, Rodne, Griffey, Harris, Haler and Appleton)

Concerning health care authority auditing practices. Revised for 1st Substitute: Addressing health care authority auditing practices.

The measure was read the second time.

MOTION

Senator Rivers moved that the following committee striking amendment by the Committee on Health Care be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 66. A new section is added to chapter 74.09 RCW to read as follows:

(1) Audits of the records of health care providers performed under this chapter are subject to the following:

(a) The authority must provide at least thirty calendar days' notice before scheduling any on-site audit, unless there is evidence of danger to public health and safety or fraudulent activities;

(b) The authority must make a good faith effort to establish a mutually agreed upon time and date for the on-site audit;

(c) The authority must allow providers, at their request, to submit records requested as a result of an audit in electronic format, including compact disc, digital versatile disc, or other electronic formats deemed appropriate by the authority, or by facsimile transmission;

(d) The authority shall make reasonable efforts to avoid reviewing claims that are currently being audited by the authority, that have already been audited by the authority, or that are currently being audited by another governmental entity;

(e) A finding of overpayment to a provider in a program operated or administered by the authority may not be based on extrapolation unless there is a determination of sustained high level of payment error involving the provider or when documented educational intervention has failed to correct the level of payment error. Any finding that is based upon

extrapolation, and the related sampling, must be established to be statistically fair and reasonable in order to be valid. The sampling methodology used must be validated by a statistician or person with equivalent experience as having a confidence level of ninety-five percent or greater;

(f) The authority must provide a detailed explanation in writing to a provider for any adverse determination that would result in partial or full recoupment of a payment to the provider. The written notification shall, at a minimum, include the following: (i) The reason for the adverse determination; (ii) the specific criteria on which the adverse determination was based; (iii) an explanation of the provider's appeal rights; and (iv) if applicable, the appropriate procedure to submit a claims adjustment in accordance with subsection (3) of this section;

(g) The authority may not recoup overpayments until all informal and formal appeals processes have been completed;

(h) The authority must offer a provider with an adverse determination the option of repaying the amount owed according to a negotiated repayment plan of up to twelve months;

(i) The authority must produce a preliminary report or draft audit findings within one hundred twenty days from the receipt of all requested information as identified in writing by the authority; and

(j) In the event that the authority seeks to recoup funds from a provider who is no longer a contractor with the medical assistance program, the authority must provide a description of the claim, including the patient name, date of service, and procedure. A provider is not required to obtain a court order to receive such information.

(2) Any contractor that conducts audits of the medical assistance program on behalf of the authority must comply with the requirements in this subsection and must:

(a) In any appeal by a health care provider, employ or contract with a medical or dental professional who practices within the same specialty, is board certified, and experienced in the treatment, billing, and coding procedures used by the provider being audited to make findings and determinations;

(b) Compile, on an annual basis, metrics specified by the authority. The authority shall publish the metrics on its web site. The metrics must, at a minimum, include:

(i) The number and type of claims reviewed;

(ii) The number of records requested;

(iii) The number of overpayments and underpayments identified by the contractor;

(iv) The aggregate dollar amount associated with identified overpayments and underpayments;

(v) The duration of audits from initiation until time of completion;

(vi) The number of adverse determinations and the overturn rates of those determinations at each stage of the informal and formal appeal process;

(vii) The number of informal and formal appeals filed by providers categorized by disposition status;

(viii) The contractor's compensation structure and dollar amount of compensation; and

(ix) A copy of the authority's contract with the contractor.

(3) The authority shall develop and implement a procedure by which an improper payment identified by an audit may be resubmitted as a claims adjustment.

(4) The authority shall provide educational and training programs annually for providers. The training topics must include a summary of audit results, a description of common issues, problems and mistakes identified through audits and reviews, and opportunities for improvement."

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On page 1, line 1 of the title, after "practices;" strike the remainder of the title and insert "and adding a new section to chapter 74.09 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health Care to Substitute House Bill No. 1314.

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

MOTION

On motion of Senator Rivers, the rules were suspended, Substitute House Bill No. 1314 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.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1314 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1314 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1314, 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. 1170, by House Committee on Appropriations (originally sponsored by Representatives Orwall, Goodman, Kilduff, Rodne, Muri, Jinkins, Fey, Pollet and Santos)

Maintaining and facilitating court-based and school-based efforts to promote attendance and reduce truancy.

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:

Sec. 67. RCW 28A.225.015 and 1999 c 319 s 6 are each amended to read as follows:

(1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent

has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after ((two)) three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the ((second)) third unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.

Sec. 68. RCW 28A.225.020 and 2016 c 205 s 4 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's parent by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the parent is not fluent in English, the school must make reasonable efforts to provide this information in a language in which the parent is fluent;

(b) Schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after ((two)) three unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the ((second)) third unexcused absence, then the school district may schedule this conference on that day; and

third unexcused absence, then the school district may schedule this conference on that day. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence; and

(c) At some point after the second and before the fifth unexcused absence, take data-informed steps to eliminate or reduce the child's absences.

(i) In middle school and high school, these steps ((shall)) must include application of the Washington assessment of the risks and needs of students (WARNs) or other assessment by a school district's designee under RCW 28A.225.026((, and)).

(ii) For any child with an existing individualized education plan or 504 plan, these steps must include the convening of the child's individualized education plan or 504 plan team, including a behavior specialist or mental health specialist where appropriate, to consider the reasons for the absences. If necessary, and if consent from the parent is given, a functional behavior assessment to explore the function of the absence behavior shall be conducted and a detailed behavior plan completed. Time should be allowed for the behavior plan to be initiated and data tracked to determine progress.

(iii) With respect to any child, without an existing individualized education plan or 504 plan, reasonably believed to have a mental or physical disability or impairment, these steps must include informing the child's parent of the right to obtain an appropriate evaluation at no cost to the parent to determine whether the child has a disability or impairment and needs accommodations, related services, or special education services. This includes children with suspected emotional or behavioral disabilities as defined in WAC 392-172A-01035. If the school obtains consent to conduct an evaluation, time should be allowed for the evaluation to be completed, and if the child is found to be eligible for special education services, accommodations, or related services, a plan developed to address the child's needs.

(iv) These steps must include, where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNs profile or other assessment, if an assessment was applied, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. ((If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.))

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a)(i) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

((b))) (ii) Has failed to meet the school district's policy for excused absences; or

(b) Has failed to comply with alternative learning experience program attendance requirements as described by the superintendent of public instruction.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending

school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005. All school districts must use the standard choice transfer form for releasing a student to a nonresident school district for the purposes of accessing an alternative learning experience program.

Sec. 69. RCW 28A.225.025 and 2016 c 205 s 5 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. ((All members of a)) Community truancy boards must include members who receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNs) or other assessment tools to identify the specific needs of individual children, cultural responsive interactions, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving attendance such as connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy((, multisystemic therapy, and aggression replacement training)), suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be ((referred to)) offered the opportunity for placement in a HOPE center or crisis residential center, if appropriate.

(2) The legislature finds that utilization of community truancy boards is the preferred means of intervention when preliminary methods to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

Sec. 70. RCW 28A.225.026 and 2016 c 205 s 6 are each amended to read as follows:

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than

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one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than ((two)) three hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy((, multisystemic therapy, and aggression replacement training)). School districts with fewer than ((two)) three hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court and to the office of the superintendent of public instruction, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to RCW 28A.225.018; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.

Sec. 71. RCW 28A.225.090 and 2016 c 205 s 9 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school

district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law((; or));

(f) Submit to a temporary placement in a crisis residential center or a HOPE center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation).

(2)(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

(ii) Nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b) If the child continues to fail((s)) to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e)((, or may impose alternatives to detention such as community restitution)). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the

parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 72. RCW 28A.225.030 and 2016 c 205 s 7 are each amended to read as follows:

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document (~~((signed by the parent and child)) provided to the parent~~, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

Sec. 73. RCW 28A.225.151 and 1996 c 134 s 5 are each amended to read as follows:

(1) As required under subsection (2) of this section, ~~((each school shall document the actions taken under RCW 28A.225.030~~

~~and report this information to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction)) the office of superintendent of public instruction shall collect and school districts shall submit student-level truancy data in order to allow a better understanding of actions taken under RCW 28A.225.030. The office shall prepare an annual report to the legislature by December 15th of each year.~~

(2) The reports under subsection (1) of this section shall include, disaggregated by student group:

(a) The number of enrolled students and the number of unexcused absences;

(b) ((Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020 at the request of the superintendent of public instruction. Each year, by May 1st, the superintendent of public instruction shall select ten school districts to submit the report at the end of the following school year. The ten districts shall represent different areas of the state and be of varied sizes. In addition, the superintendent of public instruction shall require any district that fails to keep appropriate records to submit a full report to the superintendent of public instruction under this subsection. All school districts shall document steps taken under RCW 28A.225.020 in each student's record, and make those records available upon request consistent with the laws governing student records;

(c)) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

((d))) (c) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090; (and

(e)) (d) The number of petitions filed by a school district with the juvenile court and, beginning in the 2018-19 school year, whether the petition results in:

(i) Referral to a community truancy board;

(ii) Other coordinated means of intervention;

(iii) A hearing in the juvenile court; or

(iv) Other less restrictive disposition (e.g., change of placement, home school, alternative learning experience, residential treatment); and

(e) Each instance of imposition of detention for failure to comply with a court order under RCW 28A.225.090, with a statement of the reasons for each instance of detention.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) ((The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year.)) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data to provide a clearer understanding of actions taken under RCW 28A.225.030.

Sec. 74. RCW 28A.250.070 and 2013 2nd sp.s. c 18 s 508 are each amended to read as follows:

Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with

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RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in ((online courses or online school)) alternative learning experience programs. The office of online learning under RCW 28A.250.030 shall develop a standard form, which must be used by all school districts, for releasing a student to a nonresident school district for the purposes of enrolling in an ((online course or online school)) alternative learning experience program.

NEW SECTION. Sec. 75. A new section is added to chapter 28A.232 RCW to read as follows:

The superintendent of public instruction may adopt rules to bring consistency and uniformity to attendance and truancy definitions in the alternative learning experience setting, establish procedures for addressing truancy in all alternative learning experience courses, leverage existing systems to facilitate truancy actions between school districts and courts when the student has transferred out of his or her resident district to enroll in an alternative learning experience course; and clarify the responsibility of school districts in the event of rescinding a student transfer.

NEW SECTION. Sec. 76. RCW 28A.225.115 (Educational services—Funding for children referred to community truancy board) and 1996 c 134 s 11 are each repealed.

NEW SECTION. Sec. 77. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "truancy;" strike the remainder of the title and insert "amending RCW 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.026, 28A.225.090, 28A.225.030, 28A.225.151, and 28A.250.070; adding a new section to chapter 28A.232 RCW; creating a new section; and repealing RCW 28A.225.115."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1170.

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, Second Substitute House Bill No. 1170 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 O'Ban and Darneille 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. 1170 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1170 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

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

Voting nay: Senators Padden and Schoesler

SECOND SUBSTITUTE HOUSE BILL NO. 1170, 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

SENATE BILL NO. 5646, by Senators Honeyford, King, Chase, Keiser and Conway

Concerning services provided by residential habilitation centers.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Cleveland and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5646.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5646 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Rossi

SENATE BILL NO. 5646, 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. 1612, by House Committee on Appropriations (originally sponsored by Representatives Orwall, Harris, Jinkins, Goodman, Haler, Robinson, Fey, Kilduff and McBride)

Creating a suicide-safer homes project account to support prevention efforts and develop strategies for reducing access to lethal means.

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. 78. The legislature finds that over one thousand one hundred suicide deaths occur each year in Washington and these suicide deaths take an enormous toll on families and communities across the state. The legislature further finds that: Sixty-five percent of all suicides, and most suicide deaths and attempts for young people ages ten to eighteen, occur using firearms and prescription medications that are easily accessible in homes; firearms are the most lethal method used in suicide and almost entirely account for more men dying by suicide than women; sixty-seven percent of all veteran deaths by suicide are by firearm; and nearly eighty percent of all deaths by firearms in Washington are suicides. The legislature further finds that there is a need for a robust public education campaign designed to raise awareness of suicide and to teach everyone the role that he or she can play in suicide prevention. The legislature further finds that important suicide prevention efforts include: Motivating households to improve safe storage practices to reduce deaths from firearms and prescription medications; decreasing barriers to prevent access to lethal means by allowing for temporary and voluntary transfers of firearms when individuals are at risk for suicide; increasing access to drug take-back sites; and making the public aware of suicide prevention steps, including recognizing warning signs, empathizing and listening, asking directly about suicide, removing dangers to ensure immediate safety, and getting help. The legislature intends by this act to create a public-private partnership fund to implement a suicide-safer home public education campaign in the coming years.

Sec. 79. RCW 43.70.445 and 2016 c 90 s 2 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, a ((safe)) suicide-safer homes task force is established to raise public awareness and increase suicide prevention education among new partners who are in key positions to help reduce suicide. The task force shall be administered and staffed by the University of Washington school of social work. To the extent possible, the task force membership should include representatives from geographically diverse and priority populations, including tribal populations.

(b) The ((safe)) suicide-safer homes task force ((shall consist of the members comprised of)) comprises a suicide prevention and firearms subcommittee and a suicide prevention and ((pharmacy)) health care subcommittee, as follows:

(i) The suicide prevention and firearms subcommittee shall consist of the following members and be cochaired by the University of Washington school of social work and a member identified in (b)(i)(A) of this subsection (1):

(A) A representative of the national rifle association and a representative of the second amendment foundation;

(B) Two representatives of suicide prevention organizations, selected by the cochairs of the subcommittee;

(C) Two representatives of the firearms industry, selected by the cochairs of the subcommittee;

(D) Two individuals who are suicide attempt survivors or who have experienced suicide loss, selected by the cochairs of the subcommittee;

(E) Two representatives of law enforcement agencies, selected by the cochairs of the subcommittee;

(F) One representative from the department of health;

(G) One representative from the department of veterans affairs, and one other individual representing veterans to be selected by the cochairs of the subcommittee; and

(H) No more than two other interested parties, selected by the cochairs of the subcommittee.

(ii) The suicide prevention and ((pharmacy)) health care subcommittee shall consist of the following members and be cochaired by the University of Washington school of social work and a member identified in (b)(ii)(A) of this subsection (1):

(A) Two representatives of the Washington state pharmacy association;

(B) Two representatives of retailers who operate pharmacies, selected by the cochairs of the subcommittee;

(C) One faculty member from the University of Washington school of pharmacy and one faculty member from the Washington State University school of pharmacy;

(D) One representative of the department of health;

(E) One representative of the pharmacy quality assurance commission;

(F) Two representatives of the Washington state poison control center;

(G) One representative of the department of veterans affairs, and one other individual representing veterans to be selected by the cochairs of the subcommittee; ((and))

(H) Three members representing health care professionals providing suicide prevention training in the state, selected by the cochairs of the subcommittee; and

(I) No more than two other interested parties, selected by the cochairs of the subcommittee.

(c) The University of Washington school of social work shall convene the initial meeting of the task force.

(2) The task force shall:

(a) Develop and prepare to disseminate online trainings on suicide awareness and prevention for firearms dealers and their employees and firearm range owners and their employees;

(b) In consultation with the department of fish and wildlife, review the firearm safety pamphlet produced by the department of fish and wildlife under RCW 9.41.310 and, by January 1, 2017, recommend changes to the pamphlet to incorporate information on suicide awareness and prevention;

(c) Develop and approve suicide awareness and prevention messages for posters and brochures that are tailored to be effective for firearms owners for distribution to firearms dealers and ((firearms)) firearms ranges;

(d) Develop suicide awareness and prevention messages for posters and brochures for distribution to pharmacies;

(e) In consultation with the department of fish and wildlife, develop strategies for creating and disseminating suicide awareness and prevention information for hunting safety classes, including messages to parents that can be shared during online registration, in either follow-up ((electronic mail \email)) email communications, or in writing, or both;

(f) Develop suicide awareness and prevention messages for training for the schools of pharmacy and provide input on trainings being developed for community pharmacists;

(g) ((Provide input to the department of health on the implementation of the safe homes project established in section 3 of this act;))

((h))) Create a web site that will be a clearinghouse for the newly created suicide awareness and prevention materials developed by the task force; ((and))

((h))) Conduct a survey of firearms dealers and firearms ranges in the state to determine the types and amounts of incentives that would be effective in encouraging those entities to participate in ((the safe)) suicide-safer homes projects ((created in section 3 of this act));

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((4))) (i) Gather input on collateral educational materials that will help health care professionals in suicide prevention work; and

(j) Create, implement, and evaluate a suicide awareness and prevention pilot program in two counties, one rural and one urban, that have high suicide rates. The pilot program shall include:

(i) Developing and directing advocacy efforts with firearms dealers to pair suicide awareness and prevention training with distribution of safe storage devices;

(ii) Developing and directing advocacy efforts with pharmacies to pair suicide awareness and prevention training with distribution of medication disposal kits and safe storage devices;

(iii) Training health care providers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices; and

(iv) Training local law enforcement officers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices.

(3) The task force shall ((consult with)), in consultation with the department of health, develop and prioritize a list of projects to carry out the task force's purposes and submit the prioritized list to the department of health ((to develop timelines for the completion of the necessary tasks identified in subsection (2) of this section so that the department of health is able to implement the safe homes project under)) for funding from the suicide-safer homes project account created in section 3 of this act ((by January 1, 2018)).

(4) Beginning December 1, 2016, the task force shall annually report to the legislature on the status of its work. The task force shall submit a final report by December 1, 2019, that includes the findings of the suicide awareness and prevention pilot program evaluation under subsection (2) of this section and recommendations on possible continuation of the program. The task force shall submit its reports in accordance with RCW 43.01.036.

(5) This section expires July 1, 2020.

NEW SECTION. Sec. 80. A new section is added to chapter 43.70 RCW to read as follows:

(1) The suicide-safer homes project is created within the department of health for the purpose of accepting private funds for use by the suicide-safer homes task force created in RCW 43.70.445 in developing and providing suicide education and prevention materials, training, and outreach programs to help create suicide-safer homes. The secretary may accept gifts, grants, donations, or moneys from any source for deposit in the suicide-safer homes project account created in subsection (2) of this section.

(2) The suicide-safer homes project account is created in the custody of the state treasurer. The account shall consist of funds appropriated by the legislature for the suicide-safer homes project account and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the suicide-safer homes project. Only the secretary of the department of health, or the secretary's designee, may authorize expenditures from the account to fund projects identified and prioritized by the suicide-safer homes task force. Funds deposited in the suicide-safer homes project account may be used for the development and production of suicide prevention materials and training programs, for providing financial incentives to encourage firearms dealers and others to participate in suicide prevention training, and to implement pilot programs involving community outreach on creating suicide-safer homes.

(3) The suicide-safer homes project account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 81. RCW 43.70.442 and 2016 c 90 s 5 are each amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A chemical dependency professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate—dependent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection, a professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(b) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;
 (iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) An osteopathic physician assistant licensed under chapter 18.57A RCW;

(vi) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vii) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(viii) A physician assistant licensed under chapter 18.71A RCW;

(ix) A pharmacist licensed under chapter 18.64 RCW; ((and))

(x) A dentist licensed under chapter 18.32 RCW;

(xi) A dental hygienist licensed under chapter 18.29 RCW; and

(xii) A person holding a retired active license for one of the professions listed in (a)(i) through ((ix)) (xi) of this subsection.

(b)(i) A professional listed in (a)(i) through (viii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (viii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after the effective date of this section, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and the effective date of this section that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

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(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION. Sec. 82. A new section is added to chapter 43.70 RCW to read as follows:

(1) By July 1, 2020, the school of dentistry at the University of Washington shall develop a curriculum on suicide assessment, treatment, and management for dental students and licensed dentists. The curriculum must meet the minimum standards established under RCW 43.70.442 and must include material on identifying at-risk patients and limiting access to lethal means. When developing the curriculum, the school of dentistry must consult with experts on suicide assessment, treatment, and management and with the suicide-safer homes task force established in RCW 43.70.445. The school of dentistry shall submit a progress report to the governor and the relevant committees of the legislature by July 1, 2019.

(2) The dental quality assurance commission shall, for purposes of RCW 43.70.442(4)(a), consider a dentist who has successfully completed the curriculum developed under subsection (1) of this section prior to licensure as possessing the minimum training and experience necessary to be exempt from the training requirements in RCW 43.70.442.

Sec. 83. RCW 9.41.113 and 2015 c 1 s 3 are each amended to read as follows:

(1) All firearm sales or transfers, in whole or part in this state including without limitation a sale or transfer where either the purchaser or seller or transferee or transferor is in Washington, shall be subject to background checks unless specifically exempted by state or federal law. The background check requirement applies to all sales or transfers including, but not limited to, sales and transfers through a licensed dealer, at gun shows, online, and between unlicensed persons.

(2) No person shall sell or transfer a firearm unless:

- (a) The person is a licensed dealer;
- (b) The purchaser or transferee is a licensed dealer; or
- (c) The requirements of subsection (3) of this section are met.

(3) Where neither party to a prospective firearms transaction is a licensed dealer, the parties to the transaction shall complete the sale or transfer through a licensed dealer as follows:

(a) The seller or transferor shall deliver the firearm to a licensed dealer to process the sale or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee, except that the unlicensed seller or transferor may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller or transferor removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser or transferee and the seller or transferor shall return to the business premises of the licensed dealer and the seller or transferor shall again deliver the firearm to the licensed dealer prior to completing the sale or transfer.

(b) Except as provided in (a) of this subsection, the licensed dealer shall comply with all requirements of federal and state law that would apply if the licensed dealer were selling or transferring the firearm from its inventory to the purchaser or transferee, including but not limited to conducting a background check on the prospective purchaser or transferee in accordance with federal

and state law requirements and fulfilling all federal and state recordkeeping requirements.

(c) The purchaser or transferee must complete, sign, and submit all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

(d) If the results of the background check indicate that the purchaser or transferee is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller or transferor.

(e) The licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.

(4) This section does not apply to:

(a) A transfer between immediate family members, which for this subsection shall be limited to spouses, domestic partners, parents, parents-in-law, children, siblings, siblings-in-law, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles, that is a bona fide gift or loan;

(b) The sale or transfer of an antique firearm;

(c) A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if:

(i) The temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and

(ii) The person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(d) A temporary transfer of possession of a firearm if: (i) The temporary transfer is intended to prevent suicide or self-inflicted great bodily harm; (ii) the temporary transfer lasts only as long as reasonably necessary to prevent death or great bodily harm; and (iii) the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer;

(e) Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her employment or official duties, any law enforcement or corrections officer, United States marshal, member of the armed forces of the United States or the national guard, or federal official;

((e)) (f) A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith;

((f)) (g) The temporary transfer of a firearm (i) between spouses or domestic partners; (ii) if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located; (iii) if the temporary transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as a part of the performance; (iv) to a person who is under eighteen years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms; or (v) while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer allowed by this subsection is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law; or

((g)) (h) A person who (i) acquired a firearm other than a pistol by operation of law upon the death of the former owner of

the firearm or (ii) acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding sixty days. At the end of the sixty-day period, the person must either have lawfully transferred the pistol or must have contacted the department of licensing to notify the department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws.

NEW SECTION. Sec. 84. Section 4 of this act takes effect August 1, 2020.

NEW SECTION. Sec. 85. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2017, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "means;" strike the remainder of the title and insert "amending RCW 43.70.445, 43.70.442, and 9.41.113; adding new sections to chapter 43.70 RCW; creating new sections; and providing an effective 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. 1612.

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. 1612 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 O'Ban and Darneille 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. 1612 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1612 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Senators Short and Warnick

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1612, 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. 1676, by Representatives Sullivan, Hansen, Goodman, Rodne, Shea, Ortiz-Self and Tarleton

Concerning crimes involving a dog guide or service animal.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, House Bill No. 1676 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. 1676.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1676 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1676, 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.

The Senate resumed consideration of Engrossed Substitute House Bill No. 1493 which had been deferred earlier in the day.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Harmsworth, Smith, Tarleton and Stanford)

Concerning biometric identifiers.

The measure was again read the second time.

REMARKS BY THE PRESIDENT

President Habib: "The President's practice will be when returning to a bill on which we have deferred consideration, all of those motions have been undone, those motions need to be made again. We had that happen earlier today, we will do that again right now. The bill has been read, the striking amendment by Senator Pedersen has been read. Senator Pedersen would you like to move your amendment?"

MOTION

Senator Pedersen moved that the following floor striking amendment no. 242 by Senators Pedersen and Rivers be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 86. The legislature finds that citizens of Washington are increasingly asked to disclose sensitive biological information that uniquely identifies them for

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commerce, security, and convenience. The collection and marketing of biometric information about individuals, without consent or knowledge of the individual whose data is collected, is of increasing concern. The legislature intends to require a business that collects and can attribute biometric data to a specific uniquely identified individual to disclose how it uses that biometric data and either provide notice to or obtain consent from an individual before enrolling or changing the use of that individual's biometric identifiers in a database.

NEW SECTION. Sec. 87. (1) A person may not enroll a biometric identifier in a database for a commercial purpose, without first providing notice, obtaining consent, or providing a mechanism to prevent the subsequent use of a biometric identifier for a commercial purpose.

(2) The exact notice and type of consent required to achieve compliance with subsection (1) of this section is context-dependent.

(3) Unless consent has been obtained from the individual, a person who has enrolled an individual's biometric identifier may not sell, lease, or otherwise disclose the biometric identifier to another person for a commercial purpose unless the disclosure:

(a) Is consistent with subsections (1), (2), and (4) of this section;

(b) Is necessary to provide a product or service subscribed to, requested, or expressly authorized by the individual;

(c) Is necessary to effect, administer, enforce, or complete a financial transaction that the individual requested, initiated, or authorized, and the third party to whom the biometric identifier is disclosed maintains confidentiality of the biometric identifier and does not further disclose the biometric identifier except as otherwise permitted under this subsection (3);

(d) Is required or expressly authorized by a federal or state statute, or court order;

(e) Is made to a third party who contractually promises that the biometric identifier will not be further disclosed and will not be enrolled in a database for a commercial purpose inconsistent with the notice and consent described in this subsection (3) and subsections (1) and (2) of this section; or

(f) Is made to prepare for litigation or to respond to or participate in judicial process.

(4) A person who knowingly possesses a biometric identifier of an individual that has been enrolled for a commercial purpose:

(a) Must take reasonable care to guard against unauthorized access to and acquisition of biometric identifiers that are in the possession or under the control of the person; and

(b) May retain the biometric identifier no longer than is reasonably necessary to:

(i) Comply with a court order, statute, or public records retention schedule specified under federal, state, or local law;

(ii) Protect against or prevent actual or potential fraud, criminal activity, claims, security threats, or liability; and

(iii) Provide the services for which the biometric identifier is retained.

(5) A person who enrolls a biometric identifier of an individual for a commercial purpose or obtains a biometric identifier of an individual from a third party for a commercial purpose pursuant to this section may not use or disclose it in a manner that is materially inconsistent with the terms under which the biometric identifier was originally provided without obtaining consent for the new terms of use or disclosure.

(6) The limitations on disclosure and retention of biometric identifiers provided in this section do not apply to disclosure or retention of biometric identifiers that have been unenrolled.

(7) Nothing in this section requires an entity to provide notice and obtain consent to collect, capture, or enroll a biometric

identifier and store it in a biometric system, or otherwise, in furtherance of a security purpose.

NEW SECTION. Sec. 88. The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Biometric identifier" means data generated by automatic measurements of an individual's fingerprint, voiceprint, eye retinas, or irises, that is used to identify a specific individual. "Biometric identifier" does not include a physical or digital photograph, video or audio recording, or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under the federal health insurance portability and accountability act of 1996.

(2) "Biometric system" means an automated identification system capable of capturing, processing, and storing a biometric identifier, comparing the biometric identifier to one or more references, and matching the biometric identifier to a specific individual.

(3) "Capture" means the process of collecting a biometric identifier from an individual in person.

(4) "Commercial purpose" means a purpose in furtherance of the sale or disclosure to a third party of a biometric identifier for the purpose of marketing of goods or services when such goods or services are unrelated to the initial transaction in which a person first gains possession of an individual's biometric identifier. "Commercial purpose" does not include a security or law enforcement purpose.

(5) "Enroll" means to capture a biometric identifier of an individual, convert it into a reference template that cannot be reconstructed into the original output image, and store it in a database that matches the biometric identifier to a specific individual.

(6) "Law enforcement officer" means a law enforcement officer as defined in RCW 9.41.010 or a federal peace officer as defined in RCW 10.93.020.

(7) "Notice" means a disclosure that is given through a procedure reasonably designed to be readily available to affected individuals.

(8) "Person" means an individual, partnership, corporation, limited liability company, organization, association, or any other legal or commercial entity, but does not include a government agency.

(9) "Security purpose" means the purpose of preventing shoplifting, fraud, or any other misappropriation or theft of a thing of value, including tangible and intangible goods, services, and other purposes in furtherance of protecting the security or integrity of software, accounts, applications, online services, or any person.

NEW SECTION. Sec. 89. (1) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 90. (1) Nothing in this act applies in any manner to a financial institution or an affiliate of a financial institution that is subject to Title V of the federal Gramm-Leach-Bliley act of 1999 and the rules promulgated thereunder.

(2) Nothing in this act applies to activities subject to Title V of the federal health insurance privacy and portability act of 1996 and the rules promulgated thereunder.

(3) Nothing in this act expands or limits the authority of a law enforcement officer acting within the scope of his or her authority including, but not limited to, the authority of a state law enforcement officer in executing lawful searches and seizures.

NEW SECTION. Sec. 91. Sections 2 through 5 of this act constitute a new chapter in Title 19 RCW."

On page 1, line 1 of the title, after "identifiers;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and creating a new section."

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

Senator Padden spoke against adoption of the striking amendment.

PARLIAMENTARY INQUIRY

Senator Liias: "Mr. President, at the beginning of this redeliberation you said that the actions we had taken had been wiped out, and I wanted to find out about the request for a roll call on this amendment."

REPLY BY THE PRESIDENT

President Habib: "That motion has also been unraveled. If you would like to make that motion, you can make that motion anew."

MOTION

Senator Liias demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

Senator Hasegawa spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of floor striking amendment no. 242 by Senators Pedersen and Rivers to Engrossed Substitute House Bill No. 1493.

ROLL CALL

The Secretary called the roll on the motion to adopt floor striking amendment no. 242 by Senators Pedersen and Rivers and the motion did not carry by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Frockt, Hunt, Keiser, Kuderer, Liias, McCoy, Palumbo, Pedersen, Saldaña, Takko and Wellman

Pedersen, Rivers, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Chase, Erickson, Fain, Fortunato, Hasegawa, Hawkins, Hobbs, Honeyford, King, Miloscia, Mullet, O'Ban, Padden, Palumbo, Pearson, Ranker, Rossi, Schoesler, Sheldon, Short, Walsh, Warnick, Wilson and Zeiger

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 1493 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.

Senators Pedersen and Wellman spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1493.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1493 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

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

Voting nay: Senators Billig, Carlyle, Cleveland, Darneille, Kuderer, Liias, McCoy, Palumbo, Pedersen, Saldaña, Takko and Wellman

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, 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

At 6:32 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 o'clock a.m. Wednesday, April 12, 2017.

CYRUS HABIB, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate