

FIFTY SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia  
Monday, March 5, 2018

The Senate was called to order at 12:00 o'clock noon 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 Anisa Abdi and Miss Meghna Balakrishnan, presented the Colors.

Miss Abbey Puntillo led the Senate in the Pledge of Allegiance.

Chaplain Mr. Mike Boisture, Chaplain of the Puyallup Police Department, offered the prayer. Chaplain Boisture is a guest of Senator Zeiger.

MOTION

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

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 3, 2018

SHB 2990 Prime Sponsor, Committee on Transportation: Concerning the Tacoma Narrows bridge debt service payment plan. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Chase; Cleveland; Dhingra; Fortunato; Liias; McCoy; O'Ban; Sheldon; Takko; Walsh; Wellman and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

February 27, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

HOLLY A. KOON, reappointed February 27, 2018, for the term ending January 12, 2022, as Member of the State Board of

Education.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Early Learning & K-12 Education as Senate Gubernatorial Appointment No. 9382.

February 27, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

ROBERT H. WHALEY, reappointed February 27, 2018, for the term ending September 30, 2023, as Member of the Eastern Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9383.

March 1, 2018

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KIM PEARMAN-GILLMAN, appointed February 21, 2018, for the term ending September 30, 2023, as Member of the Eastern Washington University Board of Trustees.

Sincerely,

JAY INSLEE, Governor

Referred to Committee on Higher Education & Workforce Development as Senate Gubernatorial Appointment No. 9384.

MOTION

On motion of Senator Liias, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 3, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,

THIRD SUBSTITUTE HOUSE BILL NO. 1169,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1239,

SECOND SUBSTITUTE HOUSE BILL NO. 1298,

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.

1488,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL

NO. 1570,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,

SECOND ENGROSSED SUBSTITUTE HOUSE BILL

NO. 2057,  
 SUBSTITUTE HOUSE BILL NO. 2229,  
 HOUSE BILL NO. 2435,  
 SUBSTITUTE HOUSE BILL NO. 2612,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700,  
 SUBSTITUTE HOUSE BILL NO. 2887,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2938,  
 SUBSTITUTE HOUSE BILL NO. 2951,  
 SUBSTITUTE HOUSE BILL NO. 2970,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 3, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5450,  
 SENATE BILL NO. 5912,  
 SUBSTITUTE SENATE BILL NO. 5996,  
 ENGROSSED SENATE BILL NO. 6018,  
 SUBSTITUTE SENATE BILL NO. 6021,  
 SENATE BILL NO. 6027,  
 SENATE BILL NO. 6053,  
 SENATE BILL NO. 6059,  
 SENATE BILL NO. 6073,  
 SENATE BILL NO. 6113,  
 SENATE BILL NO. 6115,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,  
 SENATE BILL NO. 6145,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

March 3, 2018

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1022,  
 HOUSE BILL NO. 1056,  
 HOUSE BILL NO. 1085,  
 HOUSE BILL NO. 1095,  
 ENGROSSED HOUSE BILL NO. 1128,  
 HOUSE BILL NO. 1133,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1293,  
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL  
 NO. 1388,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1433,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,  
 HOUSE BILL NO. 1499,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1513,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
 NO. 1600,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
 NO. 1622,  
 HOUSE BILL NO. 1630,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
 NO. 1673,  
 HOUSE BILL NO. 1790,  
 HOUSE BILL NO. 1939,  
 SUBSTITUTE HOUSE BILL NO. 1953,  
 SUBSTITUTE HOUSE BILL NO. 2016,  
 HOUSE BILL NO. 2087,  
 SUBSTITUTE HOUSE BILL NO. 2101,  
 HOUSE BILL NO. 2208,  
 SUBSTITUTE HOUSE BILL NO. 2256,  
 SUBSTITUTE HOUSE BILL NO. 2282,  
 SUBSTITUTE HOUSE BILL NO. 2298,  
 SUBSTITUTE HOUSE BILL NO. 2308,

SUBSTITUTE HOUSE BILL NO. 2342,  
 HOUSE BILL NO. 2368,  
 SUBSTITUTE HOUSE BILL NO. 2398,  
 HOUSE BILL NO. 2443,  
 HOUSE BILL NO. 2446,  
 HOUSE BILL NO. 2479,  
 SUBSTITUTE HOUSE BILL NO. 2514,  
 SUBSTITUTE HOUSE BILL NO. 2516,  
 HOUSE BILL NO. 2517,  
 SUBSTITUTE HOUSE BILL NO. 2528,  
 SUBSTITUTE HOUSE BILL NO. 2530,  
 SUBSTITUTE HOUSE BILL NO. 2538,  
 HOUSE BILL NO. 2539,  
 SUBSTITUTE HOUSE BILL NO. 2576,  
 HOUSE BILL NO. 2582,  
 SUBSTITUTE HOUSE BILL NO. 2597,  
 HOUSE BILL NO. 2611,  
 SUBSTITUTE HOUSE BILL NO. 2634,  
 SUBSTITUTE HOUSE BILL NO. 2639,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658,  
 HOUSE BILL NO. 2661,  
 HOUSE BILL NO. 2669,  
 HOUSE BILL NO. 2682,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2684,  
 SUBSTITUTE HOUSE BILL NO. 2686,  
 HOUSE BILL NO. 2699,  
 HOUSE BILL NO. 2702,  
 SUBSTITUTE HOUSE BILL NO. 2703,  
 HOUSE BILL NO. 2751,  
 SUBSTITUTE HOUSE BILL NO. 2752,  
 SUBSTITUTE HOUSE BILL NO. 2786,  
 ENGROSSED HOUSE BILL NO. 2808,  
 HOUSE BILL NO. 2851,  
 ENGROSSED HOUSE BILL NO. 2861,  
 ENGROSSED HOUSE BILL NO. 2948,  
 HOUSE JOINT MEMORIAL NO. 4002,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SCR 8408 by Senator Baumgartner  
 Designating April 1st as Governor Jay Inslee Integrity Day.

Referred to Committee on State Government, Tribal Relations & Elections.

Senator Schoesler moved that the bill be read in full.

The Secretary read the bill in full.

#### MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

#### PERSONAL PRIVILEGE

Senator Nelson: "Thank you Mr. President. The work we do here involves a lot of people and we want to thank all our staff.

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But there are a couple of individuals that I want to call out right now who give us counsel every day, and also give you counsel Mr. President. Who make sure that this place runs well. And although they are partisan, they are also nonpartisan in so many ways. If I can't reach Victoria Cantore, I know I can reach Jeannie Gorrell. And I know that at that point in time that I will be given the same counsel by either to make sure that I succeed as a leader of the Democrats. They perform above and beyond the duties assigned and they sit up there every day, quietly doing their work, making sure this place functions well. Mr. President, today should be Victoria and Jeannie's day and I truly want to thank them from the bottom of my heart."

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you Mr. President. Echoing the remarks of the Majority Leader to the exemplary service we have had from the two legal counsels to you and us at the rostrum. I give my great thanks from this side of the aisle. I will say that Jeannie is probably been with us just a little longer than many of our staff, starting just out of grade school she came to work here for us. A brief stint at WSU because she was a gifted learner. And she has provided excellent counsel to chairman on this side of the aisle, leadership on this side of the aisle, been available night and day to the members of the Senate and yourself to help serve us every session. And for that we are truly grateful."

EDITOR'S NOTE: Majority Leader Nelson and Minority Leader Schoesler presented Victoria Cantore and Jeannie Gorrell each a bouquet of flowers at the rostrum to the standing applause of the Senate.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I just want to highlight to the members not paying attention on the floor that Victoria received blue flowers and Jeannie received red flowers, which I think is an appropriate representation. I also just want to note to folks that weren't paying attention that Victoria was actually working through half of the point of personal privilege from Senator Nelson. I think it is a testament to how hard these two individuals work, that they were working through their own point of personal privilege. I will also just add my final note that together the three of us have referred, I think on the order of one thousand bills between the House and Senate combined. And I also have had the opportunity to really get to know these two individuals and in particular to Jeannie Gorrell, who I think coming into the role as the Democratic Floor Leader with a Republican Counsel, I expected maybe a little bit more feistiness, and she has been a great advocate for the Republican Caucus, but she has been a great partner in the work we have to do here. So, I appreciate both of you very much."

PERSONAL PRIVILEGE

Senator Keiser: "Thank you Mr. President. I, too, when serving as President Pro Tem over these last few weeks have depended on both Victoria and Jeannie to help me because as a rookie, I was pretty out of my depth and I would have been drowning without their help. I couldn't have done it without you. Thank you so much."

MOTION

At 12:15 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus.

The Senate was called to order at 12:21 p.m. by President Habib.

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. 2282.

MOTION

At 12:21 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

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The Senate was called to order at 2:21 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

- SECOND SUBSTITUTE HOUSE BILL NO. 1377,
- HOUSE BILL NO. 1452,
- SUBSTITUTE HOUSE BILL NO. 1539,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889,
- SECOND SUBSTITUTE HOUSE BILL NO. 2015,
- ENGROSSED HOUSE BILL NO. 2097,
- SUBSTITUTE HOUSE BILL NO. 2276,
- SUBSTITUTE HOUSE BILL NO. 2685,
- SUBSTITUTE HOUSE BILL NO. 2692,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2779,
- SUBSTITUTE HOUSE BILL NO. 2824,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6034 with the following amendment(s): 6034-S.E AMH ENGR H4883.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 54.16 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Broadband" means high-speed internet access and other advanced telecommunications services.

(b) "Broadband network" means networks of deployed telecommunications equipment and technologies necessary to provide broadband.

(c) "Inadequate" means internet retail service that does not meet one hundred percent of the standards detailed in the service level agreement.

(d) "Partnership payment structure" means a group of or individual property owners who agree to pay a term payment structure for infrastructure improvements to their property.

(e) "Petition" means a formal written request for retail internet service by property owners on the public utility district broadband network.

(f) "Retail internet service" means the provision of broadband to end users.

(g) "Service level agreement" means a standard agreement, adopted during an open public meeting, between the retail internet service provider and the public utility that describes the required percentage of broadband download and upload speed and system availability, customer service, and transmission time.

(2) Any public utility district that, as of the effective date of this section, provides only water, sewer, and wholesale telecommunications services in a county with an area less than five hundred square miles and is located west of the Puget Sound may provide retail internet service on the public utility district's broadband network located within the public utility district boundaries only when all of the existing providers of end-user internet service on the public utility district's broadband network cease to provide end-user service or provide inadequate end-user service as determined in the manner prescribed by this section. The authority provided in this subsection expires five years after the effective date of this act for any public utility district that has not begun providing retail internet service within that time period.

(3) Upon receiving a petition meeting the requirements of subsection (4) of this section, a public utility district board of commissioners may hold up to three meetings to:

(a) Verify the signature or signatures of the property owners on the petition and certify the petition;

(b) Determine and submit findings that the retail internet service available to the petitioners served by the public utility district's broadband network is either nonexistent or inadequate as defined in the service level agreement adopted by the commissioners for all existing internet service providers on the public utility district's broadband network;

(c) Receive, and either reject or accept any recommendations or adjustments to, a business case plan developed in accordance with subsection (7) of this section; and

(d) By resolution, authorize the public utility district to provide retail internet service on the public utility district's broadband network.

(4) A petition meets the requirements of subsection (3) of this section if it is delivered to a public utility district board of commissioners, declares that the signatories on the public utility district's broadband network have no or inadequate retail internet service providers, requests the public utility district to provide the retail internet service, and is signed by one of the following:

(a) A majority of a group, including homeowners' associations, of any geographical area within the public utility district, who have developed a partnership payment structure to finance broadband deployment with the public utility district; or

(b) Any individual who has developed a partnership payment structure to finance broadband deployment with the public utility district.

(5) For the purposes of this section, the adequacy of retail internet service is determined by measuring retail internet service

to end users on the public utility district's broadband network and comparing it with service standards in the public utility district service level agreement used for all public utility district network providers. Measurement of the existing retail internet service provider's service must be quantified by measuring the service with speed and capacity devices and software. Additionally, a retail internet service provider may submit its own assessment of its service level for consideration by the commission within thirty days of the first meeting conducted under subsection (3) of this section.

(6) The commissioners of a public utility district may by resolution authorize the public utility district to provide or contract for provision of retail internet services on the public utility district's broadband network:

(a) After development of a business case plan in accordance with subsection (7) of this section; and

(b) When it is determined that no service or inadequate service exists for the individual or petitioners identified in subsection (4) of this section.

(7) The business case plan under subsection (6) of this section must be reviewed by an independent qualified consultant. The review must include the use of public funds in the provision of retail internet service. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the district board of commissioners in an open meeting.

(8)(a) Except as provided in subsection (9) of this section, in case of failure to reach an agreement on the adequacy of retail internet service, the commissioners must request an appointment of an administrative law judge under Title 34 RCW to hear the dispute.

(b) The commissioners must provide a written notice, together with a copy of the dispute, and may require the disputing parties to attend a hearing before the administrative law judge, at a time and place to be specified in the written notice.

(c) The place of any such hearing may be the office of the commissioners or another place designated by the commissioners. The disputed information must be presented at the hearing.

(d) Upon review and consideration of all of the evidence, the administrative law judge must determine if the retail internet service is inadequate or nonexistent as defined in this section. Upon making a determination, the administrative law judge must state findings of fact and must issue and file a determination with the commissioners.

(9) If a provider of end-user service is a company regulated by the utilities and transportation commission, the company may choose to have the commission resolve disputes concerning the service level agreement under the process established in RCW 54.16.340. For the purposes of this subsection, "company" includes subsidiaries or affiliates.

(10) Any public utility district providing cable television service under this section must secure a cable television franchise, pay franchise fees, and any applicable taxes to the local cable franchise authority as required by federal law.

(11) Except as provided in subsection (9) of this section, nothing in this section may be construed or is intended to confer upon the utilities and transportation commission any authority to exercise jurisdiction over locally regulated utilities.

(12) All rates for retail internet services offered by a public utility district under this section must be just, fair, and reasonable, except the public utility district may set tiers of service charges based on service demands of the end user, including commercial and residential rates.

(13) A public utility district must not condition the availability or cost of other services upon the purchase or use of retail internet

service.

(14) A public utility district authorized to provide retail internet service within a specific geographical area must, upon reasonable notice, furnish to all persons and entities within that geographical area meeting the provisions of subsections (2) and (4) of this section proper facilities and connections for retail internet service as requested.

(15) A public utility district providing retail internet service must separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title.

**NEW SECTION. Sec. 2.** A new section is added to chapter 34.12 RCW to read as follows:

When requested by the public utility district commissioners, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under section 1 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 54.16 RCW to read as follows:

(1) Property owned by a public utility district that is exempt from property tax under RCW 84.36.010 is subject to an annual payment in lieu of property taxes if the property consists of a broadband network used in providing retail internet service.

(2)(a) The amount of the payment must be determined jointly and in good faith negotiation between the public utility district that owns the property and the county or counties in which the property is located.

(b) The amount agreed upon may not exceed the property tax amount that would be owed on the property comprising the broadband network used in providing retail internet service as calculated by the department of revenue. The public utility district must provide information necessary for the department of revenue to make the required valuation under this subsection. The department of revenue must provide the amount of property tax that would be owed on the property to the county or counties in which the broadband network is located on an annual basis.

(c) If the public utility district and a county cannot agree on the amount of the payment in lieu of taxes, either party may invoke binding arbitration by providing written notice to the other party. In the event that the amount of payment in lieu of taxes is submitted to binding arbitration, the arbitrators must consider the government services available to the public utility district's broadband network used in providing retail internet service. The public utility district and county must each select one arbitrator, the two of whom must pick a third arbitrator. Costs of the arbitration, including compensation for the arbitrators' services, must be borne equally by the parties participating in the arbitration.

(3) By April 30th of each year, a public utility district must remit the annual payment to the county treasurer of each county in which the public utility district's broadband network used in providing retail internet service is located in a form and manner required by the county treasurer.

(4) The county must distribute the amounts received under this section to all property taxing districts, including the state, in appropriate tax code areas in the same proportion as it would distribute property taxes from taxable property.

(5) By December 1, 2019, and annually thereafter, the department of revenue must submit a report to the appropriate legislative committees detailing the amount of payments made under this section and the amount of property tax that would be owed on the property comprising the broadband network used in providing retail internet service.

(6) The definitions in section 1 of this act apply to this section."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Carlyle moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034 and ask the House to recede therefrom.

Senator Carlyle spoke in favor of the motion.

MOTION

On motion of Senator Bailey, Senator Angel was excused.

The President declared the question before the Senate to be the motion by Senator Carlyle that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034 and ask the House to recede therefrom.

The motion by Senator Carlyle carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6034 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 3, 2018

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1506 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Sells, Senn, McCabe

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Keiser, the Senate granted the request of the House for a conference on Second Substitute House Bill No. 1506 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute House Bill No. 1506 and the House amendment(s) there to: Senators Baumgartner, Cleveland and Keiser.

MOTION

On motion of Senator Lias, the appointments to the conference committee were confirmed.

Senator Conway assumed the chair.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 5020 with the following amendment(s): 5020 AMH SEIT H4913.2

On page 1, beginning on line 14, after "(3)" strike all material through "(5)" on line 18 and insert "((Acting in concert with the

~~governor~~;) Advise the legislature on issues of concern to the African-American community.

(4)"

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

On page 2, line 29, after "Sec. 3." insert "The following acts or parts of acts are each repealed:

(1) **RCW 43.131.341** (Washington state commission on Hispanic affairs—Termination) and 1993 c 261 s 5 & 1987 c 249 s 8; and

(2)"

On page 2, line 31, after "9" strike "are each repealed"

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Hasegawa moved that the Senate concur in the House amendment(s) to Senate Bill No. 5020.

Senator Hasegawa spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Hasegawa that the Senate concur in the House amendment(s) to Senate Bill No. 5020.

The motion by Senator Hasegawa carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5020 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5020, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5020, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

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

Absent: Senator Carlyle

Excused: Senator Angel

SENATE BILL NO. 5020, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Saldaña, Senator Carlyle was excused.

#### MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5084 with the following amendment(s): 5084-S.E AMH HCW H4973.1

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) All health care facilities shall include in the summary of the mammography report, required by federal law to be provided to a patient, information that identifies the patient's individual breast density classification based on the breast imaging reporting and data system established by the American College of Radiology. If a physician at, employed by, or under contract with, the health care facility determines that a patient has heterogeneously or extremely dense breasts, the summary of the mammography report must include the following notice:

"Your mammogram indicates that you may have dense breast tissue. Roughly half of all women have dense breast tissue which is normal. Dense breast tissue may make it more difficult to evaluate your mammogram. We are sharing this information with you and your health care provider to help raise your awareness of breast density. We encourage you to talk with your health care provider about this and other breast cancer risk factors. Together, you can decide which screening options are right for you."

(2) Patients who receive diagnostic or screening mammograms may be directed to informative material about breast density. This informative material may include the American College of Radiology's most current brochure on the subject of breast density.

(3) This section does not create a duty of care for any health care facility or any health care providers or other legal obligation beyond the duty to provide notice as set forth in this section.

(4) This section does not require a notice that is inconsistent with the provisions of the federal mammography quality standards act (42 U.S.C. Sec. 263b) or any regulations adopted under that act.

(5) For the purposes of this section:

(a) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where mammography examinations are performed.

(b) "Physician" means a person licensed to practice medicine under chapter 18.57 or 18.71 RCW.

(6) This section expires January 1, 2025.

**NEW SECTION. Sec. 2.** Section 1 of this act takes effect January 1, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Rolfes moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5084.

Senator Rolfes spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Rolfes that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5084.

The motion by Senator Rolfes carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5084 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate

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Bill No. 5084, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5084, as amended by the House, 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, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE SENATE BILL NO. 5084, as amended by the House, 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.

## MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5143 with the following amendment(s): 5143-S.E AMH FIN H4940.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2016 c 217 s 1 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preference contained in this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to encourage and expand the ability of nonprofit low-income housing developers to provide homeownership opportunities for low-income households. It is the legislature's intent to exempt from taxation real property owned by a nonprofit entity for the purpose of building residences to be sold, or, in the case of land, to be leased for life or ninety-nine years, to low-income households in order to enhance the ability of nonprofit low-income housing developers to purchase and hold land for future affordable housing development.

(4)(a) To measure the effectiveness of the tax preference provided in section 2 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate, two years prior to the expiration of the tax preference: (i) The annual growth in the percentage of revenues dedicated to the development of affordable housing, for each nonprofit claiming the preference, for the period that the preference has been claimed; and (ii) the annual changes in both the total number of parcels qualifying for the exemption and the total number of parcels for which owner occupancy notifications have been

submitted to the department of revenue, from June 9, 2016, through the most recent year of available data prior to the committee's review.

(b) If the review by the joint legislative audit and review committee finds that for most of the nonprofits claiming the exemption, program spending, program expenses, or another ratio representing the percentage of the nonprofit entity's revenues dedicated to the development of affordable housing has increased for the period during which the exemption was claimed, then the legislature intends to extend the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the preference as approved by the department of revenue under RCW 84.36.815;

(b) Owner occupancy notices reported to the department of revenue under section 2 of this act;

(c) Annual financial statements for a nonprofit entity claiming this tax preference, as defined in section 2 of this act, and provided by nonprofit entities claiming this preference; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

**Sec. 2.** RCW 84.36.049 and 2016 c 217 s 2 are each amended to read as follows:

(1) All real property owned by a nonprofit entity for the purpose of developing or redeveloping on the real property one or more residences to be sold to low-income households including land to be leased as provided in subsection (8)(d)(ii) of this section, is exempt from state and local property taxes.

(2) The exemption provided in this section expires on or at the earlier of:

(a) The date on which the nonprofit entity transfers title to the ~~((real property))~~ single-family dwelling unit;

(b) The date on which the nonprofit entity executes a lease of land described in subsection (8)(d)(ii) of this section;

~~(c)~~ The end of the seventh consecutive property tax year for which the property is granted an exemption under this section or, if the nonprofit entity has claimed an extension under subsection (3) of this section, the end of the tenth consecutive property tax year for which the property is granted an exemption under this section; or

~~((e))~~ (d) The property is no longer held for the purpose for which the exemption was granted.

(3) If the nonprofit entity believes that title to the ~~((real property))~~ single-family dwelling unit will not be transferred by the end of the sixth consecutive property tax year, the nonprofit entity may claim a three-year extension of the exemption period by:

(a) Filing a notice of extension with the department on or before March 31st of the sixth consecutive property tax year; and

(b) Providing a filing fee equal to the greater of two hundred dollars or one-tenth of one percent of the real market value of the property as of the most recent assessment date with the notice of extension. The filing fee must be deposited into the state general fund.

(4)(a) If the nonprofit entity has not transferred title to the ~~((real property))~~ single-family dwelling unit to a low-income household within the applicable period described in subsection (2)(c) of this section, or if the nonprofit entity has converted the property to a purpose other than the purpose for which the exemption was granted, the property is disqualified from the exemption.

(b) Upon disqualification, the county treasurer must collect an additional tax equal to all taxes that would have been paid on the property but for the existence of the exemption, plus interest at

the same rate and computed in the same way as that upon delinquent property taxes.

(c) The additional tax must be distributed by the county treasurer in the same manner in which current property taxes applicable to the subject property are distributed. The additional taxes and interest are due in full thirty days following the date on which the treasurer's statement of additional tax due is issued.

(d) The additional tax and interest is a lien on the property. The lien for additional tax and interest has priority to and must be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable. If a nonprofit entity sells or transfers real property subject to a lien for additional taxes under this subsection, such unpaid additional taxes must be paid by the nonprofit entity at the time of sale or transfer. The county auditor may not accept an instrument of conveyance unless the additional tax has been paid. The nonprofit entity or the new owner may appeal the assessed values upon which the additional tax is based to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(5) Nonprofit entities receiving an exemption under this section must immediately notify the department when the exempt real property becomes occupied. The notice of occupancy made to the department must include a certification by the nonprofit entity that the occupants are a low-income household and a date when the title to the ~~((real property))~~ single-family dwelling unit was or is anticipated to be transferred. The department of revenue must make the notices of occupancy available to the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preference in this section.

(6) Upon cessation of the exemption, the value of new construction and improvements to the property, not previously considered as new construction, must be considered as new construction for purposes of calculating levies under chapter 84.55 RCW. The assessed value of the property as it was valued prior to the beginning of the exemption may not be considered as new construction upon cessation of the exemption.

(7) Nonprofit entities receiving an exemption under this section must provide annual financial statements to the joint legislative audit and review committee, upon request by the committee, for the years that the exemption has been claimed. The nonprofit entity must identify the line or lines on the financial statements that comprise the percentage of revenues dedicated to the development of affordable housing.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Financial statements" means an audited annual financial statement and a completed United States treasury internal revenue service return form 990 for organizations exempt from income tax.

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the property is located.

(c) "Nonprofit entity" means a nonprofit as defined in RCW 84.36.800 that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended.

(d) "Residence" means:

(i) A single-family dwelling unit whether such unit be separate or part of a multiunit dwelling((, including the land on which such dwelling stands)); and

(ii) The land on which a dwelling unit described in (d)(i) of this

subsection (8) stands, whether to be sold, or to be leased for life or ninety-nine years, to the low-income household owning such dwelling unit.

(9) The department may not accept applications for the initial exemption in this section after December 31, 2027. The exemption in this section may not be approved for and does not apply to taxes due in 2038 and thereafter.

(10) This section expires January 1, 2038.

NEW SECTION. Sec. 3. This act applies to taxes levied for collection in 2019 and thereafter."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5143.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5143.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5143 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5143, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5143, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

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

Voting nay: Senators Angel, Becker, Hasegawa, Padden and Short

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, as amended by the House, 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.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179 with the following amendment(s): 5179-S2.E AMH HCW H4838.1

On page 1, line 15, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in



otolaryngology"

On page 1, line 16, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

On page 2, line 11, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

On page 2, line 12, after "audiologist" strike "or hearing aid specialist" and insert ", hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology"

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Bailey moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5179.

Senator Bailey spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Bailey that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5179.

The motion by Senator Bailey carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5179 by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5179, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5179, as amended by the House, 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, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5179, as amended by the House, 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.

Lieutenant Governor Habib resumed the chair.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6002 with the following amendment(s): 6002-S.E

AMH ENGR H4828.E

Strike everything after the enacting clause and insert the following:

**"PART I - GENERAL PROVISIONS**

NEW SECTION. **Sec. 101.** This act may be known and cited as the Washington voting rights act of 2018.

NEW SECTION. **Sec. 102.** The legislature finds that electoral systems that deny race, color, or language minority groups an equal opportunity to elect candidates of their choice are inconsistent with the right to free and equal elections as provided by Article I, section 19 and Article VI, section 1 of the Washington state Constitution as well as protections found in the fourteenth and fifteenth amendments to the United States Constitution. The well-established principle of "one person, one vote" and the prohibition on vote dilution have been consistently upheld in federal and state courts for more than fifty years.

The legislature also finds that local government subdivisions are often prohibited from addressing these challenges because of Washington laws that narrowly prescribe the methods by which they may elect members of their legislative bodies. The legislature finds that in some cases, this has resulted in an improper dilution of voting power for these minority groups. The legislature intends to modify existing prohibitions in state laws so that these jurisdictions may voluntarily adopt changes on their own, in collaboration with affected community members, to remedy potential electoral issues so that minority groups have an equal opportunity to elect candidates of their choice or influence the outcome of an election.

The legislature intends for this act to be consistent with federal protections that may provide a similar remedy for minority groups. Remedies shall also be available where the drawing of crossover and coalition districts is able to address both vote dilution and racial polarization.

The legislature also intends for this act to be consistent with legal precedent from *Mt. Spokane Skiing Corp. v. Spokane Co.* (86 Wn. App. 165, 1997) that found that noncharter counties need not adhere to a single uniform county system of government, but that each county have the same "authority available" in order to be deemed uniform.

NEW SECTION. **Sec. 103.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. In applying these definitions and other terms in this chapter, courts may rely on relevant federal case law for guidance.

(1) "At-large election" means any of the following methods of electing members of the governing body of a political subdivision:

(a) One in which the voters of the entire jurisdiction elect the members to the governing body;

(b) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or

(c) One that combines the criteria in (a) and (b) of this subsection or one that combines at-large with district-based elections.

(2) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

(3) "Polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the

federal voting rights act, 52 U.S.C. 10301 et seq., in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.

(4) "Political subdivision" means any county, city, town, school district, fire protection district, port district, or public utility district, but does not include the state.

(5) "Protected class" means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal voting rights act, 52 U.S.C. 10301 et seq.

**NEW SECTION. Sec. 104.** As provided in section 302 of this act, no method of electing the governing body of a political subdivision may be imposed or applied in a manner that impairs the ability of members of a protected class or classes to have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of voters who are members of a protected class or classes.

## PART II - VOLUNTARY CHANGES TO ELECTORAL PROCESSES

**NEW SECTION. Sec. 201.** (1) A political subdivision that conducts an election pursuant to state, county, or local law, is authorized to change its electoral system, including, but not limited to, implementing a district-based election system, to remedy a potential violation of section 104 of this act.

(2) If a political subdivision invokes its authority under this section to implement a district-based election system, the districts shall be drawn in a manner consistent with section 202 of this act.

**NEW SECTION. Sec. 202.** (1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of section 104 of this act. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse residents of the political subdivision can understand, as indicated by demographic data; and

(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.

(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.

(c) For purposes of this section, "significant segment of the community" means five percent or more of residents, or five hundred or more residents, whichever is fewer, residing in the political subdivision.

(2)(a) If the political subdivision invokes its authority under section 201 of this act and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under section 201 of this act and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based

election system under section 201(2) of this act, the plan shall be consistent with the following criteria:

(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.

(b) Each district shall be reasonably compact.

(c) Each district shall consist of geographically contiguous area.

(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.

(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.

(5) No later than eight months after its receipt of federal decennial census data, the governing body of the political subdivision that had previously invoked its authority under section 201 of this act to implement a district-based election system, or that was previously charged with redistricting under section 403 of this act, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this act.

**NEW SECTION. Sec. 203.** A new section is added to chapter 28A.343 RCW to read as follows:

The school board of directors may authorize a change to its electoral system pursuant to section 201 of this act. Any staggering of directors' terms shall be accomplished as provided in RCW 28A.343.030 and 28A.343.600 through 28A.343.650.

**Sec. 204.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to read as follows:

The board of county commissioners of each county shall divide their county into three commissioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: PROVIDED, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts.

However, the commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island shall comprise, as nearly as possible, equal populations.

The commissioners of any county may authorize a change to their electoral system pursuant to section 201 of this act. Except where necessary to comply with a court order issued pursuant to section 403 of this act, and except in the case of an intervening census, the lines of the districts shall not be changed ((often) more often than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

**Sec. 205.** RCW 36.32.040 and 1982 c 226 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated in all other

respects.

(2) Where the commissioners of a county composed entirely of islands with a population of less than thirty-five thousand have chosen to divide the county into unequal-sized commissioner districts pursuant to the exception provided in RCW 36.32.020, the qualified electors of the entire county shall nominate from among their own number who reside within a commissioner district, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county offices are nominated in all other respects.

(3) The commissioners of any county may authorize a change to their electoral system pursuant to section 201 of this act.

NEW SECTION. Sec. 206. A new section is added to chapter 35.21 RCW to read as follows:

The legislative authority of a city or town may authorize a change to its electoral system pursuant to section 201 of this act.

NEW SECTION. Sec. 207. A new section is added to chapter 35A.21 RCW to read as follows:

The legislative authority of a code city or town may authorize a change to its electoral system pursuant to section 201 of this act.

NEW SECTION. Sec. 208. A new section is added to chapter 52.14 RCW to read as follows:

The board of fire commissioners of a fire protection district may authorize a change to its electoral system pursuant to section 201 of this act by majority vote.

NEW SECTION. Sec. 209. A new section is added to chapter 53.12 RCW to read as follows:

The port commission may authorize a change to its electoral system pursuant to section 201 of this act.

**Sec. 210.** RCW 54.12.010 and 2004 c 113 s 1 are each amended to read as follows:

A public utility district that is created as provided in RCW 54.08.010 shall be a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. . . . . of . . . . . County.

The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts.

(1) If the public utility district is countywide and the county has three county legislative authority districts, then, at the first election of commissioners and until any change is made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county legislative authority districts.

(2) If the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or if the public utility district is countywide and the county does not have three county legislative authority districts, three public utility district commissioner districts, numbered consecutively, each with approximately equal population and following precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, subject to appropriate change by the county legislative authority if and when it changes the boundaries of the proposed public utility district. One commissioner shall be elected as a commissioner of each of the public utility district commissioner districts.

(3) Only a registered voter who resides in a commissioner district may be a candidate for, or hold office as, a commissioner

of the commissioner district. Only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire public utility district may vote at a general election to elect a person as a commissioner of the commissioner district.

(4) The term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW ~~((29A.20.040))~~ 29A.60.280 following the commissioner's election. All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW ~~((29A.20.040))~~ 29A.60.280.

(5) A vacancy in the office of public utility district commissioner shall occur as provided in chapter 42.12 RCW or by nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission. Vacancies on a board of public utility district commissioners shall be filled as provided in chapter 42.12 RCW.

(6) The boundaries of the public utility district commissioner districts may be changed only by the public utility district commission or by a court order issued pursuant to section 403 of this act, and shall be examined every ten years to determine substantial equality of population in accordance with chapter 29A.76 RCW. Except as provided in this section ~~((~~or~~)), section 403 of this act~~, RCW 54.04.039, or in the case of an intervening census, the boundaries shall not be changed ~~((~~offener~~))~~ more often than once in four years. Boundaries may only be changed when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, or added or withdrawn under RCW 54.04.039, the boundaries of the public utility commissioner districts shall be changed to include the additional or exclude the withdrawn territory. Unless the boundaries are changed pursuant to RCW 54.04.039, the proposed change of the boundaries of the public utility district commissioner district must be made by resolution and after public hearing. Notice of the time of the public hearing shall be published for two weeks before the hearing. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit the proposed change of boundaries to the voters of the public utility district for their approval or rejection. The petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of the petition is governed by the provisions of chapter 54.08 RCW.

**PART III - CITIZEN-INITIATED CHANGES TO ELECTORAL PROCESSES**

NEW SECTION. Sec. 301. (1) A voter who resides in the political subdivision who intends to challenge a political subdivision's electoral system under this act shall first notify the political subdivision. The political subdivision shall promptly make such notice public.

(2) The notice provided shall identify and provide contact information for the person or persons who intend to file an action, and shall identify the protected class or classes whose members do not have an equal opportunity to elect candidates of their choice or an equal opportunity to influence the outcome of an election because of alleged vote dilution and polarized voting. The notice shall also include a type of remedy the person believes may address the alleged violation of section 302 of this act.

**NEW SECTION. Sec. 302.** (1) A political subdivision is in violation of this act when it is shown that:

(a) Elections in the political subdivision exhibit polarized voting; and

(b) Members of a protected class or classes do not have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of members of that protected class or classes.

(2) The fact that members of a protected class are not geographically compact or concentrated to constitute a majority in a proposed or existing district-based election district shall not preclude a finding of a violation under this act, but may be a factor in determining a remedy. The equal opportunity to elect shall be assessed pragmatically, based on local election conditions, and may include crossover districts.

(3) In determining whether there is polarized voting under this act, the court shall analyze elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. Elections conducted prior to the filing of an action pursuant to this act are more probative to establish the existence of racially polarized voting than elections conducted after the filing of an action.

(4) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this act shall not preclude a finding of polarized voting that results in an unequal opportunity for a protected class to elect candidates of their choice.

(5) Proof of intent on the part of the voters or elected officials to discriminate against a protected class is not required for a cause of action to be sustained.

(6) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors, to establish a violation of this act.

**NEW SECTION. Sec. 303.** (1) The political subdivision shall work in good faith with the person providing the notice to implement a remedy that provides the protected class or classes identified in the notice an equal opportunity to elect candidates of their choice. Such work in good faith to implement a remedy may include, but is not limited to consideration of: (a) Relevant electoral data; (b) relevant demographic data, including the most recent census data available; and (c) any other information that would be relevant to implementing a remedy.

(2) If the political subdivision adopts a remedy that takes the notice into account, or adopts the notice's proposed remedy, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy complies with section 104 of this act and was prompted by a plausible violation. The person who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that

the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with section 104 of this act, an action under this act may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

(4) In agreeing to adopt the person's proposed remedy, the political subdivision may do so by stipulation, which shall become a public document.

**NEW SECTION. Sec. 304.** (1) Any voter who resides in the political subdivision may file an action under this act if, one hundred eighty days after a political subdivision receives notice of a challenge to its electoral system under section 301 of this act, the political subdivision has not obtained a court order stating that it has adopted a remedy in compliance with section 104 of this act. However, if notice is received after July 1, 2021, then the political subdivision shall have ninety days to obtain a court order before an action may be filed.

(2) If a political subdivision has received two or more notices containing materially different proposed remedies, the political subdivision shall work in good faith with the persons to implement a remedy that provides the protected class or classes identified in the notices an equal opportunity to elect candidates of their choice. If the political subdivision adopts one of the remedies offered, or a different remedy that takes multiple notices into account, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy is reasonably necessary to avoid a violation of section 104 of this act. The persons who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with section 104 of this act, an action under this act may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

#### **PART IV - SAFE HARBOR AND LEGAL ACTION UNDER THIS ACT**

**NEW SECTION. Sec. 401.** (1) After exhaustion of the time period in section 304 of this act, any voter who resides in a political subdivision where a violation of section 104 of this act is alleged may file an action in the superior court of the county in which the political subdivision is located. If the action is against a county, the action may be filed in the superior court of such county, or in the superior court of either of the two nearest judicial districts as determined pursuant to RCW 36.01.050(2). An action filed pursuant to this chapter does not need to be filed as a class action.

(2) Members of different protected classes may file an action jointly pursuant to this act if they demonstrate that the combined voting preferences of the multiple protected classes are polarized against the rest of the electorate.

**NEW SECTION. Sec. 402.** (1) In an action filed pursuant

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to this act, the trial court shall set a trial to be held no later than one year after the filing of a complaint, and shall set a discovery and motions calendar accordingly.

(2) For purposes of any applicable statute of limitations, a cause of action under this act arises every time there is an election for any members of the governing body of the political subdivision.

(3) The plaintiff's constitutional right to the secrecy of the plaintiff's vote is preserved and is not waived by the filing of an action pursuant to this act, and the filing is not subject to discovery or disclosure.

(4) In seeking a temporary restraining order or a preliminary injunction, a plaintiff shall not be required to post a bond or any other security in order to secure such equitable relief.

(5) No notice may be submitted to any political subdivision pursuant to this act before July 19, 2018.

**NEW SECTION. Sec. 403.** (1) The court may order appropriate remedies including, but not limited to, the imposition of a district-based election system. The court may order the affected jurisdiction to draw or redraw district boundaries or appoint an individual or panel to draw or redraw district lines. The proposed districts must be approved by the court prior to their implementation.

(2) Implementation of a district-based remedy is not precluded by the fact that members of a protected class do not constitute a numerical majority within a proposed district-based election district. If, in tailoring a remedy, the court orders the implementation of a district-based election district where the members of the protected class are not a numerical majority, the court shall do so in a manner that provides the protected class an equal opportunity to elect candidates of their choice. The court may also approve a district-based election system that provides the protected class the opportunity to join in a coalition of two or more protected classes to elect candidates of their choice if there is demonstrated political cohesion among the protected classes.

(3) In tailoring a remedy after a finding of a violation of section 104 of this act:

(a) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the court shall order new elections, conducted pursuant to the remedy, to occur at the next succeeding general election. If a special filing period is required, filings for that office shall be reopened for a period of three business days, such three-day period to be fixed by the filing officer.

(b) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the court shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(c) The remedy may provide for the political subdivision to hold elections for the members of its governing body at the same time as regularly scheduled elections for statewide or federal offices.

(4) Within thirty days of the conclusion of any action filed under section 402 of this act, the political subdivision must publish on the subdivision's web site, the outcome and summary of the action, as well as the legal costs incurred by the subdivision. If the political subdivision does not have its own web site, then it may publish on the county web site.

**NEW SECTION. Sec. 404.** (1) No action under this act

may be brought by any person against a political subdivision that has adopted a remedy to its electoral system after an action is filed that is approved by a court pursuant to section 303 of this act or implemented a court-ordered remedy pursuant to section 403 of this act for four years after adoption of the remedy if the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this act.

(2) No action under this act may be brought by any person against a political subdivision that has adopted a remedy to its electoral system in the previous decade before the effective date of this section as a result of a claim under the federal voting rights act until after the political subdivision completes redistricting pursuant to RCW 29A.76.010 for the 2020 decennial census.

**NEW SECTION. Sec. 405.** (1) In any action to enforce this chapter, the court may allow the prevailing plaintiff or plaintiffs, other than the state or political subdivision thereof, reasonable attorneys' fees, all nonattorney fee costs as defined by RCW 4.84.010, and all reasonable expert witness fees. No fees or costs may be awarded if no action is filed.

(2) Prevailing defendants may recover an award of fees or costs pursuant to RCW 4.84.185.

## PART V - MISCELLANEOUS PROVISIONS

**NEW SECTION. Sec. 501.** The provisions of parts I, III, and IV of this act are not applicable to cities and towns with populations under one thousand or to school districts with K-12 full-time equivalent enrollments of less than two hundred fifty.

**NEW SECTION. Sec. 502.** A new section is added to chapter 29A.76 RCW to read as follows:

In any change to its electoral system under section 201 of this act or preparation of a redistricting plan under section 201 of this act, political subdivisions may use population data regarding political parties only to the extent necessary to ensure compliance with this act or federal law.

**NEW SECTION. Sec. 503.** This act supersedes other state laws and local ordinances to the extent that those state laws or ordinances would otherwise restrict a jurisdiction's ability to comply with this act.

**NEW SECTION. Sec. 504.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 505.** Sections 101 through 202, 301 through 501, and 503 of this act constitute a new chapter in Title 29A RCW."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

## MOTION

Senator Hunt moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6002.

Senator Hunt spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6002.

The motion by Senator Hunt carried and the Senate concurred

in the House amendment(s) to Engrossed Substitute Senate Bill No. 6002 by rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6002, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6002, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liiias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6413 with the following amendment(s): 6413-S.E AMH ENGR H4848.E

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Class B firefighting foam" means foams designed for flammable liquid fires.

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

(3) "Firefighting personal protective equipment" means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.

(4) "Local governments" includes any county, city, town, fire district, regional fire protection authority, or other special purpose district that provides firefighting services.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of firefighting agents or firefighting equipment. For the purposes of this subsection, "importer" means the owner of the product.

(6) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(7) "Chemical plant" has the same meaning as in WAC 296-24-33001, as that section existed as of January 1, 2018.

**NEW SECTION. Sec. 2.** Beginning July 1, 2018, a person,

local government, or state agency may not discharge or otherwise use for training purposes class B firefighting foam that contains intentionally added PFAS chemicals.

**NEW SECTION. Sec. 3.** (1) Beginning July 1, 2020, a manufacturer of class B firefighting foam may not manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state class B firefighting foam to which PFAS chemicals have been intentionally added.

(2) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but not limited to the requirements of 14 C.F.R. 139.317, as that section existed as of January 1, 2018. In the event that applicable federal regulations change after January 1, 2018, to allow the use of alternative firefighting agents that do not contain PFAS chemicals, then the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal regulation.

(3) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a terminal, as defined in RCW 82.23A.010, operated by the person or an oil refinery operated by the person.

(4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a chemical plant operated by the person.

**NEW SECTION. Sec. 4.** (1) Beginning July 1, 2018, a manufacturer or other person that sells firefighting personal protective equipment to any person, local government, or state agency must provide written notice to the purchaser at the time of sale if the firefighting personal protective equipment contains PFAS chemicals. The written notice must include a statement that the firefighting personal protective equipment contains PFAS chemicals and the reason PFAS chemicals are added to the equipment.

(2) The manufacturer or person selling firefighting personal protective equipment and the purchaser of the equipment must retain the notice on file for at least three years from the date of the transaction. Upon the request of the department, a person, manufacturer, or purchaser must furnish the notice, or written copies, and associated sales documentation to the department within sixty days.

**NEW SECTION. Sec. 5.** (1) A manufacturer of class B firefighting foam restricted under section 3 of this act must notify, in writing, persons that sell the manufacturer's products in this state about the provisions of this chapter no less than one year prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited under section 3 of this act shall recall the product and reimburse the retailer or any other purchaser for the product.

**NEW SECTION. Sec. 6.** (1) The department may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. A certificate of compliance attests that a manufacturer's product or products meets the requirements of this chapter.

(2) Beginning July 1, 2018, the department shall assist the department of enterprise services, other state agencies, fire protection districts, and other local governments to avoid purchasing or using class B firefighting foams to which PFAS chemicals have been intentionally added. The department shall

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assist the department of enterprise services, other state agencies, fire protection districts, and other local governments to give priority and preference to the purchase of firefighting personal protective equipment that does not contain PFAS chemicals.

NEW SECTION. **Sec. 7.** A manufacturer of class B firefighting foam in violation of section 3 or 5 of this act or a person in violation of section 2 or 4 of this act is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers, local governments, or persons that are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Van De Wege moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6413.

Senator Van De Wege spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Van De Wege that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6413.

The motion by Senator Van De Wege carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6413 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6413, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6413, as amended by the House, 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, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Wagoner

ENGROSSED SUBSTITUTE SENATE BILL NO. 6413, as amended by the House, 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.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6160 with the following amendment(s): 6160-S2.E AMH ELHS H5044.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.04.030 and 2009 c 526 s 1 and 2099 c 454 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: ~~((#))~~ One or more prior serious violent offenses; ~~((##))~~ two or more prior violent offenses; or ~~((###))~~ three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

~~(C) (Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;~~

~~(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or~~

~~more prior felony or misdemeanor offenses; or~~

~~(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm)) Rape of a child in the first degree.~~

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(~~(E))~~) (C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall ~~((enter an order extending))~~ maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300 ~~(3)(d)~~. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through ~~((E))~~ (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the diveree has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in

RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 2.** RCW 13.04.030 and 2017 3rd sp.s. c 6 s 602 are each amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age. If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters. The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110 (1) or (2) or (e)(i) of this subsection. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: ~~((H))~~ One or more prior serious violent offenses; ~~((H))~~ two or more prior violent offenses; or ~~((H))~~ three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately; or

(C) ~~((Robbery in the first degree, rape of a child in the first degree, or drive by shooting, committed on or after July 1, 1997;~~

~~(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or~~

~~(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm)) Rape of a child in the first degree.~~



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(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(~~(E)~~) (C)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall (~~(enter an order extending)~~) maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300 (3)(d). However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (~~(E)~~) (C) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services and the department of children, youth, and families.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

**Sec. 3.** RCW 13.40.0357 and 2016 c 106 s 2 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION	DESCRIPTION	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION (RCW)
<b>Arson and Malicious Mischief</b>		
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+
<b>Assault and Other Crimes Involving Physical Harm</b>		
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
<b>Burglary and Trespass</b>		
B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
<b>Drugs</b>		
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+
E	Possession of Legend Drug (69.41.030(2)(b))	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+

C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C	A	Rape 1 (9A.44.040)	B+
E	Possession of Marihuana &lt;40 grams (69.50.4014)	E	B++	<u>Rape 2 (9A.44.050) committed at age 14 or under</u>	B+
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C	A-	Rape 2 (9A.44.050) <u>committed at age 15 through age 17</u>	B+
C+	Sale of Controlled Substance for Profit (69.50.410)	C+	C+	Rape 3 (9A.44.060)	D+
E	Unlawful Inhalation (9.47A.020)	E	B++	<u>Rape of a Child 1 (9A.44.073) committed at age 14 or under</u>	B+
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B	A-	Rape of a Child 1 (9A.44.073) <u>committed at age 15</u>	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C	B+	Rape of a Child 2 (9A.44.076)	C+
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C	B	Incest 1 (9A.64.020(1))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C	C	Incest 2 (9A.64.020(2))	D
	<b>Firearms and Weapons</b>		D+	Indecent Exposure (Victim &lt;14) (9A.88.010)	E
B	Theft of Firearm (9A.56.300)	C	E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B	Possession of Stolen Firearm (9A.56.310)	C	B+	Promoting Prostitution 1 (9A.88.070)	C+
E	Carrying Loaded Pistol Without Permit (9.41.050)	E	C+	Promoting Prostitution 2 (9A.88.080)	D+
C	Possession of Firearms by Minor (&lt;18) (9.41.040(2)(a) (iv))	C	E	O & A (Prostitution) (9A.88.030)	E
D+	Possession of Dangerous Weapon (9.41.250)	E	B+	Indecent Liberties (9A.44.100)	C+
D	Intimidating Another Person by use of Weapon (9.41.270)	E	B++	<u>Child Molestation 1 (9A.44.083) committed at age 14 or under</u>	B+
			A-	Child Molestation 1 (9A.44.083) <u>committed at age 15 through age 17</u>	B+
			B	Child Molestation 2 (9A.44.086)	C+
			C	Failure to Register as a Sex Offender (9A.44.132)	D
				<b>Theft, Robbery, Extortion, and Forgery</b>	
A+	Murder 1 (9A.32.030)	A	B	Theft 1 (9A.56.030)	C
A+	Murder 2 (9A.32.050)	B+	C	Theft 2 (9A.56.040)	D
B+	Manslaughter 1 (9A.32.060)	C+	D	Theft 3 (9A.56.050)	E
C+	Manslaughter 2 (9A.32.070)	D+	B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
B+	Vehicular Homicide (46.61.520)	C+	C	Forgery (9A.60.020)	D
	<b>Kidnapping</b>		A	Robbery 1 (9A.56.200) <u>committed at age 15 or under</u>	B+
A	Kidnap 1 (9A.40.020)	B+	A++	<u>Robbery 1 (9A.56.200) committed at age 16 or 17</u>	A+
B+	Kidnap 2 (9A.40.030)	C+	B+	Robbery 2 (9A.56.210)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+	B+	Extortion 1 (9A.56.120)	C+
	<b>Obstructing Governmental Operation</b>		C+	Extortion 2 (9A.56.130)	D+
D	Obstructing a Law Enforcement Officer (9A.76.020)	E	C	Identity Theft 1 (9.35.020(2))	D
E	Resisting Arrest (9A.76.040)	E	D	Identity Theft 2 (9.35.020(3))	E
B	Introducing Contraband 1 (9A.76.140)	C	D	Improperly Obtaining Financial Information (9.35.010)	E
C	Introducing Contraband 2 (9A.76.150)	D	B	Possession of a Stolen Vehicle (9A.56.068)	C
E	Introducing Contraband 3 (9A.76.160)	E	B	Possession of Stolen Property 1 (9A.56.150)	C
B+	Intimidating a Public Servant (9A.76.180)	C+	C	Possession of Stolen Property 2 (9A.56.160)	D
B+	Intimidating a Witness (9A.72.110)	C+	D	Possession of Stolen Property 3 (9A.56.170)	E
	<b>Public Disturbance</b>		B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+	C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E	B	Theft of a Motor Vehicle (9A.56.065)	C
E	Failure to Disperse (9A.84.020)	E		<b>Motor Vehicle Related Crimes</b>	
E	Disorderly Conduct (9A.84.030)	E	E	Driving Without a License (46.20.005)	E
	<b>Sex Crimes</b>		B+	Hit and Run - Death (46.52.020(4)(a))	C+
			C	Hit and Run - Injury (46.52.020(4)(b))	D
			D	Hit and Run-Attended (46.52.020(5))	E

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E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
<b>Other</b>		
B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1 <sup>1</sup> (9A.76.110)	C
C	Escape 2 <sup>1</sup> (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - ((4 weeks)) 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

OPTION A	
JUVENILE	OFFENDER
SENTENCING GRID	
STANDARD RANGE	
<u>A</u>	<u>129 to 260 weeks for all category</u>
<u>++</u>	<u>A++ offenses</u>
A	180 weeks to age 21 for all
+	category A+ offenses
A	103-129 weeks for all category A
	offenses
A-	<u>30-40</u> <u>5</u> <u>8</u> <u>10</u> <u>10</u>
	<u>weeks</u> <u>2-65</u> <u>0-</u> <u>3-</u> <u>3-</u>
	<u>wee</u> <u>100</u> <u>100</u> <u>129</u> <u>129</u>
	<u>ks</u> <u>wee</u> <u>wee</u> <u>week</u> <u>week</u>
	<u>ks</u> <u>s</u> <u>s</u> <u>s</u> <u>s</u>

<u>B</u>	15-36	5	8	10	10
<u>++</u>	weeks	2-65	0-	3-	3-
	((Exe	wee	100	129	129
	pt-30-	ks	wee	week	week
	40-		ks	s	s
	weeks				
	for 15				
	to 17				
	year-				
	olds))				
B	15-36	1	5	80	10
+	weeks	5-36	2-65	-100	3-
		wee	wee	week	129
		ks	ks	s	week
					s
<b>CURRENT OFFENSE</b>					
B	LS	L	1	15	52
		S	5-36	-36	-65
			wee	week	week
			ks	s	s
<b>CATEGORY</b>					
C	LS	L	L	15	15
+		S	S	-36	-36
				week	week
				s	s
C	LS	L	L	L	15
		S	S	S	-36
					week
					s
D	LS	L	L	L	L
+		S	S	S	S
D	LS	L	L	L	L
		S	S	S	S
E	LS	L	L	L	L
		S	S	S	S
<b>PRIOR</b>					
	0	1	2	3	4
					or
					more
<b>ADJUDICATIONS</b>					

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B  
SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that

the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender ~~((is))~~:

- (a) Is adjudicated of an A+ or A++ offense;
- (b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:
  - (i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;
  - (ii) Manslaughter in the first degree (RCW 9A.32.060); ~~((or))~~
  - (iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), ~~((robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030),))~~ drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), ~~((intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)),))~~ or manslaughter 2 (RCW 9A.32.070) ~~((when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon)); or~~
  - (iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;
- (c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193; ~~((or))~~
- (d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or
- (e) Has a prior option B disposition.

**OR**

**OPTION C**

**CHEMICAL DEPENDENCY/MENTAL HEALTH  
DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed ~~((an A- or))~~ a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**

**OPTION D  
MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 4.** RCW 13.40.110 and 2009 c 454 s 3 are each amended to read as follows:

(1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction only if:

(a) The respondent is, at the time of proceedings, at least fifteen years of age or older and is charged with a serious violent offense as defined in RCW 9.94A.030; or

(b) The respondent is, at the time of proceedings, fourteen years of age or younger and is charged with murder in the first degree (RCW 9A.32.030), and/or murder in the second degree (RCW 9A.32.050).

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when~~((:~~

~~((a) The respondent is sixteen or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;~~

~~((b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or~~

~~((c)) the information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.~~

(3) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

(4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

**Sec. 5.** RCW 13.40.193 and 2014 c 117 s 1 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a)~~((and))~~ (iv), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2)(a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-

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based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun in a felony, the following periods of total confinement must be added to the sentence: ~~((For~~ ~~⊕))~~ (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4)(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of robbery in the first degree, drive-by shooting, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

~~((5))~~ (6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

**Sec. 6.** RCW 13.40.300 and 2005 c 238 s 2 are each amended to read as follows:

(1) ~~(In no case may)~~ Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve

months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition~~((-))~~, subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except:

(ii) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; ~~((⊕))~~

(d) While proceedings are pending in a case in which jurisdiction ~~((has been transferred to))~~ is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v)~~((⊕))~~ (C)(II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

~~((2))~~ If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

~~((3))~~ (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday ~~((except for the purpose of enforcing an order of restitution or penalty assessment)).~~

~~((4))~~ (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

**Sec. 7.** RCW 13.40.300 and 2017 3rd sp.s. c 6 s 613 are each

amended to read as follows:

(1) ~~((In no case may))~~ Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday.

(2) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), may be committed by the juvenile court to the department of children, youth, and families for placement in a juvenile correctional institution up to the juvenile offender's twenty-fifth birthday, but not beyond.

(3) A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of children, youth, and families beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except:

(i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday;

(ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and

(iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons;

(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition;

(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition~~((-))~~, subject to the following:

(i) If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday, except:

(ii) If an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twelve months pursuant to RCW 13.40.193(3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday; ~~((or))~~

(d) While proceedings are pending in a case in which jurisdiction ~~((has been transferred to))~~ is vested in the adult criminal court pursuant to RCW 13.04.030, the juvenile turns eighteen years of age and is subsequently found not guilty of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense, and an automatic extension is necessary to impose the disposition as required by RCW 13.04.030(1)(e)(v)~~((or))~~ (C)(II); or

(e) Pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

~~((2)) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.~~

~~((3))~~ (4) Except as otherwise provided herein, in no event may the juvenile court have authority to extend jurisdiction over any

juvenile offender beyond the juvenile offender's twenty-first birthday ~~((except for the purpose of enforcing an order of restitution or penalty assessment)).~~

~~((4))~~ (5) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

NEW SECTION. Sec. 8. A new section is added to chapter 13.40 RCW to read as follows:

The department must take appropriate actions to protect younger children in confinement from older youth who may be confined pursuant to this act, recognizing both the potential for positive mentorship and the potential risks relating to victimization and the exercise of negative influence. The court may exercise oversight if needed to accomplish the goals of this section.

NEW SECTION. Sec. 9. The Washington state institute for public policy must assess the impact of this act on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation, to the extent possible, and submit, in compliance with RCW 43.01.036, a preliminary report to the governor and the appropriate committees of the legislature by December 1, 2023, and a final report to the governor and the appropriate committees of the legislature by December 1, 2031.

NEW SECTION. Sec. 10. Sections 1 and 6 of this act expire July 1, 2019.

NEW SECTION. Sec. 11. Sections 2 and 7 of this act take effect July 1, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6160.

Senator Kuderer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6160.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6160 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6160, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6160, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Wellman and Zeiger

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Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

Darneille, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6160, as amended by the House, 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.

HOUSE BILL NO. 2816, 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

SECOND READING

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. 6107, by Senators Rolfes and Mullet

Reducing the electric motorcycle registration renewal fee.

- SENATE BILL NO. 5213,
- SUBSTITUTE SENATE BILL NO. 5493,
- SENATE BILL NO. 6024,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6143,
- SUBSTITUTE SENATE BILL NO. 6155,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,
- SENATE BILL NO. 6180,
- SENATE BILL NO. 6311,
- SENATE BILL NO. 6371,
- SUBSTITUTE SENATE BILL NO. 6399,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6434,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6529,
- SUBSTITUTE SENATE BILL NO. 6549,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6550,
- SENATE BILL NO. 6580.

MOTIONS

On motion of Senator Rolfes, Substitute Senate Bill No. 6107 was substituted for Senate Bill No. 6107 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Substitute Senate Bill No. 6107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6107.

MOTION

ROLL CALL

On motion of Senator Lias, the Senate advanced to the sixth order of business.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6107 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

SECOND READING

HOUSE BILL NO. 2816, by Representatives Senn, Dent, Kagi, Muri and Appleton

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

Voting nay: Senators Honeyford and Schoesler

Transferring the working connections and seasonal child care programs to the department of children, youth, and families.

The measure was read the second time.

SUBSTITUTE SENATE BILL NO. 6107, 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

SECOND READING

On motion of Senator Wellman, the rules were suspended, House Bill No. 2816 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

SUBSTITUTE HOUSE BILL NO. 2651, by House Committee on Appropriations (originally sponsored by Representatives Stanford, Johnson, Macri, Haler, Tharinger, Goodman, Caldier, Appleton, Harris, Jinkins, Barkis, Dolan, Senn, Gregerson, Wylie, Tarleton, McBride, Doglio, Eslick, Pollet, Slatter, Fey and Santos)

The President declared the question before the Senate to be the final passage of House Bill No. 2816.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2816 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Increasing the personal needs allowance for people in residential and institutional care settings.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway,

The measure was read the second time.

## MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 2651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes and Braun 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. 2651.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2651 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, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE HOUSE BILL NO. 2651, 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. 6007, by Senators Takko, Sheldon, Van De Wege and Warnick

Extending the expiration date of the public utility tax exemption for certain electrolytic processing businesses.

The measure was read the second time.

## MOTION

On motion of Senator Takko, the rules were suspended, Senate Bill No. 6007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Takko, Warnick and Carlyle 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. 6007.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6007 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, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 6007, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

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

## MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6437 with the following amendment(s): 6437-S AMH FEYJ H5105.3

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

(1) Registered tow truck operators have continuing problems involving the disposal of recreational vehicles that have been impounded and abandoned pursuant to chapter 46.55 RCW;

(2) Traditional methods of disposal are no longer adequate to meet the increasing problem of abandoned recreational vehicles in Washington state;

(3) Abandoned recreational vehicles continue to be a hazard to the health and safety of citizens, business owners, and the environment; and

(4) Adequate funding is necessary to resolve the problem of abandoned recreational vehicles in a manner that is environmentally friendly and economically sound so that registered tow truck operators may be successful in their duties of public impounding, transporting, and storing unauthorized vehicles.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.55 RCW to read as follows:

(1) A registered tow truck operator may transport an abandoned recreational vehicle under section 5 of this act without being licensed as a hulk hauler. The transport of an abandoned recreational vehicle by a registered tow truck operator under this chapter must be completed by utilizing a reasonable, direct, and safe route on the date of transport.

(2) A registered tow truck operator must provide a written record of the delivery to a licensed dismantler or authorized disposal site for each abandoned recreational vehicle by use of an abandoned vehicle report or junk vehicle affidavit to be sent to the department. A copy of the report must be maintained in the vehicle transaction file. Completion of the report relieves the registered tow truck operator from any civil or criminal liability for the disposal of a properly processed abandoned recreational vehicle.

**Sec. 3.** RCW 46.79.110 and 2001 c 64 s 12 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prohibit Any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any vehicle wrecker or scrap processor, or a registered tow truck operator from transporting an abandoned recreational vehicle under section 5 of this act in compliance with this chapter.

**NEW SECTION. Sec. 4.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a registration for a recreational vehicle, the department, county auditor, or other agent, or subagent appointed by the director, shall require an



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applicant to pay a six-dollar fee in addition to any other fees and taxes required by law.

(2) The abandoned recreational disposal fee must be deposited into the abandoned recreational vehicle disposal account created in section 6 of this act.

(3) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

**NEW SECTION. Sec. 5.** (1) A registered tow truck operator, as defined in RCW 46.55.010, vehicle wrecker, as defined in RCW 46.80.010, or scrap processor, as defined in RCW 46.79.010, and scrap metal businesses, as defined in RCW 19.290.010, may apply to the department on a form prescribed by the department for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles from public property.

(2) The department may only use funds under section 6 of this act for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles. The department may not authorize reimbursements that total more than ten thousand dollars per vehicle for which cost reimbursements are requested.

(3) After consulting with the 2017 stakeholder group, the department may develop rules including, but not limited to, towing, transport, storage, dismantling, and disposal rates, application form and contents, and cost reimbursement and the reimbursement process, to implement this section.

(4) The department shall convene a stakeholder work group every two years, with the first meeting to be held within twelve months of rule adoption, to make recommendations on rule amendments.

(5) For the purposes of this section, an "abandoned recreational vehicle" means a camper, motorhome, or travel trailer that has been impounded from public property, abandoned pursuant to chapter 46.55 RCW, and received no bids at auction, or declared an abandoned junk vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW, while on public property.

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The abandoned recreational vehicle disposal account is created in the state treasury. All receipts from the fee imposed in section 4 of this act must be deposited into the account. The account may receive fund transfers and appropriations from the general fund, as well as gifts, grants, and endowments from public or private sources, in trust or otherwise, for the use and benefit of the purposes of this act and expend any income according to the terms of the gifts, grants, or endowments, provided that those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this act.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only by the department to reimburse registered tow truck operators and licensed dismantlers for up to one hundred percent of the total reasonable and auditable administrative costs for transport, dismantling, and disposal of abandoned recreational vehicles under section 5 of this act when the last registered owner is unknown after a reasonable search effort. Compliance with RCW 46.55.100 is considered a reasonable effort to locate the last registered owner of the abandoned recreational vehicle. Any funds received by the registered tow truck operators or licensed dismantlers through collection efforts from the last owner of record shall be turned over to the department for vehicles reimbursed under section 5 of this act.

(3) Funds in the account resulting from transfers from the

general fund must be used to reimburse one hundred percent of eligible costs up to a limit of ten thousand dollars per vehicle for which cost reimbursements are requested.

(4) In each fiscal biennium, beginning in the 2019-2021 fiscal biennium, up to fifteen percent of the expenditures from the account may be used for administrative expenses of the department in implementing this chapter.

**Sec. 7.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 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 abandoned recreational vehicle disposal account, 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 early learning facilities development account, the early learning facilities revolving 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 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 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.

**Sec. 8.** RCW 46.80.020 and 2003 c 53 s 253 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, it is unlawful for a person to engage in the business of wrecking vehicles without having first applied for and received a license.

(b) As defined in chapter 70.95 RCW, a solid waste disposal site that is compliant with all applicable regulations may wreck a nonmotorized abandoned recreational vehicle, as defined in section 5 of this act.

(2)(a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

(b) A second or subsequent offense is a class C felony punishable according to chapter 9A.20 RCW.

**NEW SECTION. Sec. 9.** Section 4 of this act applies to vehicle registrations that are due or become due on or after May 1, 2019.

**NEW SECTION. Sec. 10.** The director of licensing may take necessary steps to ensure that this act is implemented on its effective date.

**NEW SECTION. Sec. 11.** Section 5 of this act constitutes a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 12.** This act takes effect May 1, 2019."

Correct the title.

and the same are herewith transmitted.

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NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6437.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6437.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6437 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6437, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6437, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6437, as amended by the House, 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.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6363 with the following amendment(s): 6363 AMH TR H5080.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79A.05.115 and 2009 c 338 s 1 are each amended to read as follows:

~~((1))~~ The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.

~~((2) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.)~~

Sec. 2. RCW 79A.05.120 and 2009 c 338 s 2 are each amended to read as follows:

(1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

(a) Portions owned by the state between Ellensburg and the Columbia river that are managed by the parks and recreation commission are transferred to the department of transportation;

(b) Portions owned by the state between the west side of the Columbia river and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation;

(c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission as of June 7, 2006; and

(d) Portions owned by the state between Lind and Marengo are transferred to the department of transportation.

(2) The department of natural resources may, by mutual agreement with the parks and recreation commission, transfer management authority over portions of the Milwaukee Road corridor to the state parks and recreation commission, at any time prior to the department of transportation entering into a franchise agreement.

~~((3) (This section expires July 1, 2019, and))~~ No transfers shall occur unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo ~~((by July 1, 2019))~~.

Sec. 3. RCW 79A.05.125 and 2009 c 338 s 3 are each amended to read as follows:

(1) The department of transportation shall negotiate one or more franchises with rail carriers to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Marengo. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right-of-way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the senate and house transportation committees, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

~~((4) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.))~~

**Sec. 4.** RCW 79A.05.130 and 2009 c 338 s 4 are each amended to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(4) The commission shall adopt rules describing the cross-state trail.

~~((5) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.))~~

**Sec. 5.** RCW 79.73.010 and 2003 c 334 s 456 are each amended to read as follows:

Except as provided in chapter 79A.05 RCW, the portion of the Milwaukee Road corridor from the west end of the bridge structure over the Columbia river, which point is located in section 34, township 16 north, range 23 east, W.M., to the Idaho border purchased by the state shall be under the management and control of the department."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Chase moved that the Senate concur in the House amendment(s) to Senate Bill No. 6363.

Senator Chase spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Chase that the Senate concur in the House amendment(s) to Senate Bill No. 6363.

The motion by Senator Chase carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6363 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6363, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6363, as amended by the House, 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, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SENATE BILL NO. 6363, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

February 23, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5553 with the following amendment(s): 5553-S AMH JUDI H4835.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.41 RCW to read as follows:

(1) A person may file a voluntary waiver of firearm rights with the clerk of the court in any county in Washington state. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. The person filing the form may provide an alternate person to be contacted if a voluntary waiver of firearm rights is revoked. By the end of the business day, the clerk of the court must transmit the accepted form to the Washington state patrol. The Washington state patrol must enter the voluntary waiver of firearm rights into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms within twenty-four hours of receipt of the form. Copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

(2) No sooner than seven calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request photo identification to verify the person's identity prior to accepting the form. By the end of the business day, the clerk of the court must transmit the form to the Washington state patrol and to any contact person listed on the voluntary waiver of firearm rights and destroy all records of the voluntary waiver. Within seven days of receiving a revocation of a voluntary waiver of firearm rights, the Washington state patrol must remove the

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person from the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms in which the person was entered, unless the person is otherwise ineligible to possess a firearm under RCW 9.41.040, and destroy all records of the voluntary waiver.

(3) A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form is guilty of false swearing under RCW 9A.72.040.

(4) Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

(5) A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services.

(6) All records obtained and all reports produced, as required by this section, are not subject to disclosure through the public records act under chapter 42.56 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9.41 RCW to read as follows:

(1) The administrator for the courts, under the direction of the chief justice, shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form by January 1, 2019.

(2) The forms must include all of the information necessary for identification and entry of the person into the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms. The voluntary waiver of firearm rights form must include the following language:

Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase or receive any firearm. You may revoke this voluntary waiver of firearm rights any time after at least seven calendar days have elapsed since the time of filing.

(3) The forms must be made available on the administrator for the courts web site, at all county clerk offices, and must also be made widely available at firearm and ammunition dealers and health care provider locations.

**Sec. 3.** RCW 9.41.080 and 1994 sp.s. c 7 s 409 are each amended to read as follows:

No person may deliver a firearm to any person whom he or she has reasonable cause to believe: (1) Is ineligible under RCW 9.41.040 to possess a firearm or (2) has signed a valid voluntary waiver of firearm rights that has not been revoked under section 1 of this act. Any person violating this section is guilty of a class C felony, punishable under chapter 9A.20 RCW.

**Sec. 4.** RCW 9.41.092 and 2015 c 1 s 4 are each amended to read as follows:

Except as otherwise provided in this chapter, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

(1) The results of all required background checks are known and the purchaser or transferee (a) is not prohibited from owning or possessing a firearm under federal or state law and (b) does not have a voluntary waiver of firearm rights currently in effect; or

(2) Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this

subsection shall be extended from ten business days to sixty days.

**NEW SECTION. Sec. 5.** Sections 1, 3, and 4 of this act take effect January 1, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5553.

Senator Pedersen spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5553.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5553 by rising vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5553, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5553, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Fortunato, Honeyford, Padden, Rivers, Short, Wagoner, Warnick and Wilson

SUBSTITUTE SENATE BILL NO. 5553, as amended by the House, 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.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5064 with the following amendment(s): 5064-S AMH ENGR H4920.E

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that freedom of expression through school-sponsored media is a fundamental principle in our democratic society granted by the First Amendment to the United States Constitution and by Article I, section 5 of the state Constitution. It is the intent of the legislature to protect freedom of expression through school-sponsored media for both public school students and students at public institutions of higher education in this state in order to

encourage students to become educated, informed, and responsible members of society.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of subsection (2) of this section. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for complying with this section.

(2) School officials may only prohibit student expression that:

- (a) Is libelous or slanderous;
- (b) Is an unwarranted invasion of privacy;
- (c) Violates federal or state laws, rules, or regulations;
- (d) Incites students to violate federal or state laws, rules, or regulations;

(e) Violates school district policy or procedure related to harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or the prohibition on discrimination pursuant to RCW 28A.642.010;

(f) Inciting of students so as to create a clear and present danger of:

- (i) The commission of unlawful acts on school premises;
  - (ii) The violation of lawful school district policy or procedure;
- or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension; or

(g) Is in violation of the federal communications act or applicable federal communication commission rules or regulations.

(3) Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes, for purposes of the prohibitions of RCW 42.17A.550.

(4) Any student, individually or through his or her parent or guardian, enrolled in a public high school may file an appeal of any alleged violation of subsection (1) of this section pursuant to chapter 28A.645 RCW.

(5) Expression made by students in school-sponsored media is not necessarily the expression of school policy. Neither a school official nor the governing board of the school or school district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

(6) Each school district that includes a high school shall adopt a written student freedom of expression policy in accordance with this section. The policy may include reasonable provisions for the time, place, and manner of student expression.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for

dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Students at institutions of higher education have the right to exercise freedom of speech and of the press in school-sponsored media, whether or not the media are supported financially by the school or by use of school facilities, or are produced in conjunction with a class. All school-sponsored media produced primarily by students at an institution of higher education are public forums for expression by the student journalists and student editors at the particular institution. Student media, whether school-sponsored or nonschool sponsored, are not subject to mandatory prior review by school officials.

(2) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for refusing to suppress the protected free expression rights of student journalists.

(3) Nothing in this section may be interpreted to authorize expression by students that:

- (a) Is libelous or slanderous;
- (b) Constitutes an unwarranted invasion of privacy;
- (c) Violates the federal communications act or any rule or regulation of the federal communications commission; or
- (d) So incites students as to create a clear and present danger of:

- (i) The commission of unlawful acts on school premises;
- (ii) The violation of lawful school regulations, policies, or procedures; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

(4) Any student enrolled in an institution of higher education may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by a court for a violation of subsection (1) of this section by the institution of higher education. Upon a motion, a court may award reasonable attorneys' fees to a prevailing plaintiff in a civil action brought under this section.

(5) Expression made by students in school-sponsored media is not the expression of school policy. Neither a school official nor the governing board of any institution of higher education may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media unless school officials or the governing board have interfered with or altered the content of the student expression.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

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(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

**NEW SECTION. Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Fain moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5064.

Senator Fain spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fain that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5064.

The motion by Senator Fain carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5064 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5064, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5064, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Ericksen, Honeyford, Padden and Short

SUBSTITUTE SENATE BILL NO. 5064, as amended by the House, 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.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6519 with the following amendment(s): 6519-S AMH TR H4889.4

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 88.16 RCW to read as follows:

(1) The utilities and transportation commission shall under sections 7 through 12 of this act periodically, but not more frequently than annually, establish the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the utilities and transportation commission may establish extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the commission: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the utilities and transportation commission may consider pilot retirement expenses incurred in the prior year in the Puget Sound pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots.

(2) By December 1, 2018, the utilities and transportation commission shall submit to the transportation committees of the legislature any additional statutory changes necessary to implement this act.

(3) By July 1, 2020, the utilities and transportation commission shall provide a report to the governor and the transportation committees of the legislature regarding matters pertaining to establishing tariffs under this section that includes a comparison of the process and outcomes in relation to the recommendations made in the January 2018 joint transportation committee Washington state pilotage final report and recommendations.

**Sec. 2.** RCW 53.08.390 and 2010 c 8 s 16003 are each amended to read as follows:

A countywide port district located in part or in whole within the Grays Harbor pilotage district, as defined by RCW 88.16.050(2), may commence pilotage service with the following powers and subject to the conditions contained in this section.

(1) Persons employed to perform the pilotage service of a port district must be licensed under chapter 88.16 RCW to provide pilotage.

(2) Before establishing pilotage service, a port district shall give at least sixty days' written notice to the chair of the board of pilotage commissioners to provide pilotage.

(3) A port district providing pilotage service under this section requiring additional pilots may petition the board of pilotage commissioners to qualify and license as a pilot a person who has passed the examination and is on the waiting list for the training program for the district. If there are no persons on the waiting list, the board shall solicit applicants and offer the examination.

(4) In addition to the power to employ or contract with pilots, a port district providing pilotage services under this section has such other powers as are reasonably necessary to accomplish the purpose of this section including, but not limited to, providing through ownership or contract pilots launches, dispatcher services, or ancillary tug services required for operations or safety.

(5)(a) A port district providing pilotage services under this section may recommend to the utilities and transportation commission tariffs for pilotage services provided under chapter 88.16 RCW, and may recommend to the board of pilotage commissioners rules of service governing its pilotage services for consideration and adoption consistent with RCW 88.16.035. The rules of service, rates, and tariffs ((governing its pilotage services for consideration and adoption pursuant to RCW 88.16.035. The rules, rates, and tariffs)) recommended by the port district must have been approved in open meetings of the port district ((ten)) thirty or more days after published notice in a newspaper of general circulation and after mailing a copy of the notice to: (i) The utilities and transportation commission for rate and tariff

consideration, or (ii) the chair of the board of pilotage commissioners for rules of service consideration. The port district shall release its pilotage budget, including the five year capital spending plan, prior year pilotage financial statement, and the proposed pilotage tariff, no later than thirty days prior to a public hearing. The port district shall receive public comments for thirty days before the port district commission may approve and recommend the pilotage tariff, rates, or rules of service.

(b) The port district must include a charge in its tariff until such time as the pilot retirement agreement expenses for Grays Harbor pilotage district pilots employed prior to October 1, 2001, are no longer owed. The port district shall determine the charge owed as pilot retirement agreement expenses. The charge must be sufficient to cover costs associated with the pilot retirement agreement expenses for Grays Harbor pilots employed prior to October 1, 2001. The revenue collected from the charge must be deposited into an account maintained by the port district solely for the pilot retirement agreement expenses of the Grays Harbor pilots employed prior to October 1, 2001. Under no circumstances shall the port district be obligated to fund or pay for any portion of the retirement agreement expenses for Grays Harbor pilots employed prior to October 1, 2001.

(6) A pilot providing pilotage services under this section must comply with all requirements of the pilotage act, chapter 88.16 RCW, and all rules adopted thereunder.

**Sec. 3.** RCW 88.16.035 and 2009 c 496 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners shall:

(a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the enforcement and administration of this chapter;

(b)(i) Issue training licenses and pilot licenses to pilot applicants meeting the qualifications provided for in RCW 88.16.090 and such additional qualifications as may be determined by the board;

(ii) Establish a comprehensive training program to assist in the training and evaluation of pilot applicants before final licensing; and

(iii) Establish additional training requirements, including a program of continuing education developed after consultation with pilot organizations, including those located within the state of Washington, as required to maintain a competent pilotage service;

(c) Maintain a register of pilots, records of pilot accidents, and other history pertinent to pilotage;

(d) Determine from time to time the number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district;

(e) ((Annually fix the pilotage tariffs for pilotage services provided under this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board: PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the board may consider pilot retirement plan expenses incurred in the prior year in either pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots)) Provide assistance to the utilities and transportation commission, as requested by the utilities and transportation commission, in its performance of pilotage tariff setting functions under sections 7 through 12 of this act;

(f) File annually with the governor and the chairs of the transportation committees of the senate and house of representatives a report which includes, but is not limited to, the following: The number, names, ages, pilot license number, training license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot or trainee; the names, employment, and other information of the members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings or stipends of individual pilots and trainees before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of groundings, marine occurrences, or other incidents which are reported to or investigated by the board, and which are determined to be accidents, as defined by the board, including the vessel name, location of incident, pilot's or trainee's name, and disposition of the case together with information received before the board acted from all persons concerned, including the United States coast guard; the names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot or trainee, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(g) Make available information that includes the pilotage act and other statutes of Washington state and the federal government that affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters;

(h) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

(i) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

(2) The board may pay stipends to pilot trainees under subsection (1)(b) of this section.

**Sec. 4.** RCW 88.16.070 and 2017 c 88 s 1 are each amended to read as follows:

Every vessel not exempt under this section that operates in the waters of the Puget Sound pilotage district or Grays Harbor pilotage district is subject to compulsory pilotage under this chapter.

(1) A United States vessel on a voyage in which it is operating exclusively on its coastwise endorsement, its fishery endorsement (including catching and processing its own catch outside United States waters and economic zone for delivery in the United States), and/or its recreational (or pleasure) endorsement, and all United States and Canadian vessels engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this



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chapter be actually employed, in which case the pilotage rates provided for in this chapter or established under sections 7 through 12 of this act shall apply.

(2) The board may, upon the written petition of any interested party, and upon notice and opportunity for hearing, grant an exemption from the provisions of this chapter to any vessel that the board finds is (a) a small passenger vessel that is not more than one thousand three hundred gross tons (international), does not exceed two hundred feet in overall length, is manned by United States-licensed deck and engine officers appropriate to the size of the vessel with merchant mariner credentials issued by the United States coast guard or Canadian deck and engine officers with Canadian-issued certificates of competency appropriate to the size of the vessel, and is operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia, or (b) a yacht that is not more than one thousand three hundred gross tons (international) and does not exceed two hundred feet in overall length. Such an exemption shall not be detrimental to the public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the state of Washington. Such petition shall set out the general description of the vessel, the contemplated use of same, the proposed area of operation, and the name and address of the vessel's owner. The board shall annually, or at any other time when in the public interest, review any exemptions granted to this specified class of small vessels to insure that each exempted vessel remains in compliance with the original exemption. The board shall have the authority to revoke such exemption where there is not continued compliance with the requirements for exemption. The board shall maintain a file which shall include all petitions for exemption, a roster of vessels granted exemption, and the board's written decisions which shall set forth the findings for grants of exemption. Each applicant for exemption or annual renewal shall pay a fee, payable to the pilotage account. Fees for initial applications and for renewals shall be established by rule, and shall not exceed one thousand five hundred dollars. The board shall report annually to the legislature on such exemptions.

(3) Every vessel not exempt under subsection (1) or (2) of this section shall, while navigating the Puget Sound and Grays Harbor pilotage districts, employ a pilot licensed under the provisions of this chapter and shall be liable for and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter or under sections 7 through 12 of this act: PROVIDED, That any vessel inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the western district of Canada), and if it is communicating with the vessel traffic system and has appropriate navigational charts, and if said vessel uses only those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary. The board shall correspond with the Pacific pilotage authority from time to time to ensure the provisions of this section are enforced. If any exempted vessel does not comply with these provisions it shall be deemed to be in violation of this section and subject to the penalties provided in RCW 88.16.150 as now or hereafter amended and liable to pilotage fees as determined by the board. The board shall

investigate any accident on the waters covered by this chapter involving a Canadian pilot and shall include the results in its annual report.

**Sec. 5.** RCW 88.16.120 and 1987 c 485 s 4 are each amended to read as follows:

No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein established or ~~((which may be hereafter fixed))~~ subsequently established by the utilities and transportation commission under sections 7 through 12 of this act and by the board ~~((pursuant to))~~ under this chapter. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished pursuant to RCW 88.16.150 as now or hereafter amended, said prosecution to be conducted by the attorney general or the prosecuting attorney of any county wherein the offense or any part thereof was committed.

**Sec. 6.** RCW 88.16.130 and 2013 c 23 s 533 are each amended to read as follows:

Any person not holding a license as pilot under the provisions of this chapter who pilots any vessel subject to the provisions of this chapter on waters covered by this chapter shall pay to the board the pilotage rates ~~((payable under the provisions of this chapter))~~ established by the utilities and transportation commission under sections 7 through 12 of this act. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this chapter who refuses to do so when such a pilot is available shall be punished pursuant to RCW 88.16.150 as now or hereafter amended and shall be imprisoned in the county jail of the county wherein he or she is so convicted until said fine and the costs of his or her prosecution are paid.

**NEW SECTION. Sec. 7.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of pilotage commissioners.

(2) "Commission" means the utilities and transportation commission.

(3) "Person with a substantial interest" means: (a) A pilot or group of pilots licensed under chapter 88.16 RCW; (b) a vessel operator or other person utilizing the services of a licensed pilot and paying pilotage fees and charges for such services or an organization representing such vessel operators or persons; and (c) any other person or business that can show that the requested tariff changes would be likely to have a substantial economic impact on its operations.

**NEW SECTION. Sec. 8.** (1) The commission shall establish in tariffs the rates for pilotage services provided under chapter 88.16 RCW.

(2) The commission shall maintain a list of persons who have indicated to the commission a desire to be notified of any potential change in pilotage tariffs and in any proposed rules regarding the setting of pilotage tariffs.

(3) The commission shall ensure that the tariffs provide rates that are fair, just, reasonable, and sufficient for the provision of pilotage services.

(4) In setting tariffs, the commission may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board. In setting tariffs, the commission must include a tariff

surcharge to fund the stipend the board of pilotage commissioners is authorized to pay to pilot trainees and to use in its pilot training program under RCW 88.16.035. As an element of the Puget Sound pilotage district tariff, the commission may consider pilot retirement expenses incurred in the prior year in the Puget Sound pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots.

(5) In exercising duties under this section, the commission may:

- (a) Request assistance from the board;
- (b) Assign an administrative law judge to handle the proceeding and prepare an initial order, which the commission may review pursuant to RCW 34.05.464, or assign an administrative law judge as a facilitator for settlement purposes; and
- (c) Adopt rules or issue orders to implement the provisions of this act.

**NEW SECTION. Sec. 9.** (1) Any person with a substantial interest may file with the commission a revised tariff with an effective date no earlier than thirty days from the date of filing and no earlier than one year following the effective date the tariffs in effect at the time of filing were established.

(2) The proposed tariff must be accompanied by:

- (a) The names and contact information of the person or persons requesting the tariff revision;
- (b) A description of why the existing tariffs are not fair, just, reasonable, and sufficient, along with financial information to demonstrate a need for the tariff revision and information addressing the criteria for approval of tariff revisions set forth in section 8(3) of this act;

(c) If the petitioner proposes a tariff with an annual or periodic adjustment mechanism, information justifying such a mechanism; and

(d) Any other information required by the commission by rule or by order.

(3) After receipt of a proper petition, the commission shall give notice of the petition to interested persons that have stated a desire to be notified pursuant to section 8(2) of this act. Any person with a substantial interest in the proposed tariff revision may submit comments in support or opposition of the petition within twenty days of the notice.

(4) The filed tariff shall take effect on its stated effective date unless, within thirty days of filing of the tariff, the commission suspends it. The commission may suspend the tariff for a period not exceeding ten months from the time the change would otherwise go into effect. During that time, the commission may set the matter for a hearing pursuant to chapter 34.05 RCW or set the matter for consideration at a subsequent open public meeting.

(5) The burden of proof to show that the tariff rates are not fair, just, reasonable, and sufficient is upon the person with a substantial interest that files the revised tariff.

**NEW SECTION. Sec. 10.** The commission shall encourage alternative forms of dispute resolution to resolve disputes between an association or group of pilots and any other person regarding matters covered by this chapter.

**NEW SECTION. Sec. 11.** The tariffs established by the board prior to the effective date of this section shall remain in effect and be deemed pilotage tariffs set by the commission until such time as they are changed by the commission pursuant to this chapter.

**NEW SECTION. Sec. 12.** The commission may include as part of the tariff for pilotage services provided under chapter

88.16 RCW reasonable costs for the setting of tariff rates under this chapter. The costs of the commission included as part of the tariff must be appropriated from the pilotage account in RCW 88.16.061.

**Sec. 13.** RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

~~((The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account"-))~~

The pilotage account is ~~((hereby redesignated as a nonappropriated account, and is therefore))~~ created in the ~~((custody of the))~~ state ~~((treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account))~~ treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter~~((Only the board or the board's designee may authorize expenditures from the account))~~ and by the utilities and transportation commission for purposes related to pilotage tariff rate setting. The account is subject to allotment procedures under chapter 43.88 RCW~~((but an appropriation is not required for expenditures))~~.

**NEW SECTION. Sec. 14.** Sections 7 through 12 of this act constitute a new chapter in Title 81 RCW.

**NEW SECTION. Sec. 15.** To ensure that this act is implemented in a timely manner, the utilities and transportation commission may adopt rules under section 8 of this act prior to July 1, 2019, and may accept tariff filings from a person with a substantial interest beginning thirty days after the effective date of these adopted rules. The utilities and transportation commission must suspend a tariff filing made before July 1, 2019, within thirty days of receipt of the filing. Any tariff filings made under this section may not take effect until after June 30, 2019.

**NEW SECTION. Sec. 16.** Except for section 15 of this act, this act takes effect July 1, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6519.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6519.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6519 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6519, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6519, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

FIFTY SEVENTH DAY, MARCH 5, 2018

2018 REGULAR SESSION

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

SUBSTITUTE SENATE BILL NO. 6519, as amended by the House, 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.

MESSAGE FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5518 with the following amendment(s): 5518.E AMH HCW H4964.1

Strike everything after the enacting clause and insert the following:

**Sec. 1.** RCW 48.43.190 and 2008 c 304 s 1 are each amended to read as follows:

(1)(a) A health carrier may not pay a chiropractor less for a service or procedure identified under a particular physical medicine and rehabilitation code ((~~or~~)), evaluation and management code, or spinal manipulation code, as listed in a nationally recognized services and procedures code book such as the American medical association current procedural terminology code book, than it pays any other type of provider licensed under Title 18 RCW for a service or procedure under the same or substantially similar code, except as provided in (b) of this subsection. A carrier may not circumvent this requirement by creating a chiropractor-specific code not listed in the nationally recognized code book otherwise used by the carrier for provider payment.

(b) This section does not affect a health carrier's:

(i) Implementation of a health care quality improvement program to promote cost-effective and clinically efficacious health care services, including but not limited to pay-for-performance payment methodologies and other programs fairly applied to all health care providers licensed under Title 18 RCW that are designed to promote evidence-based and research-based practices;

(ii) Health care provider contracting to comply with the network adequacy standards;

(iii) Authority to pay in-network providers differently than out-of-network providers; and

(iv) Authority to pay a chiropractor less than another provider for procedures or services under the same or a substantially similar code based upon ((~~geographic~~)) differences in the cost of maintaining a practice or carrying malpractice insurance, as recognized by a nationally accepted reimbursement methodology.

(c) This section does not, and may not be construed to:

(i) Require the payment of provider billings that do not meet the definition of a clean claim as set forth in rules adopted by the commissioner;

(ii) Require any health plan to include coverage of any condition; or

(iii) Expand the scope of practice for any health care provider.

(2) This section applies only to payments made on or after January 1, 2009.

**NEW SECTION. Sec. 2.** The office of the insurance commissioner may adopt any rules necessary to implement section 1 of this act.

**NEW SECTION. Sec. 3.** Section 1 of this act takes effect January 1, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Miloscia moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5518.

Senator Miloscia spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Miloscia that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5518.

The motion by Senator Miloscia carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5518 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5518, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5518, as amended by the House, 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, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SENATE BILL NO. 5518, as amended by the House, 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.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5522 with the following amendment(s): 5522-S AMH ELHS H4847.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that on February 12, 2014, the body of a newborn girl was found near the side of a road in North Bend, Washington, wrapped in a blanket. The newborn was less than half a mile away from Snoqualmie valley hospital, a location where infants can be safely and anonymously surrendered under Washington state's safety of newborn children law. The legislature further finds that while national estimates are that safe surrender laws across the country

have saved well over one thousand infants in the past decade, surprisingly little is known about how many abandonment incidents occur and how many could have been or have been prevented through safe surrender laws.

The legislature further finds that no newborn should be abandoned to die alone and hungry as its first and only exposure to the world, any life that can be saved under the safety of the newborn children law is worth saving, and understanding the characteristics of newborn abandonment and knowing when and where they occur is crucial for developing effective public awareness strategies to make caregivers aware of the state's safe surrender option. The legislature further finds that while existing state law requires persons receiving infants under the safety of newborn children law to notify child protective services, which is situated within the Washington state department of social and health services children's administration, within twenty-four hours, there is no statutory requirement for the department of social and health services to report data on surrendered newborns. The legislature therefore intends to require the department of social and health services to provide consistent tracking and regular public reporting of safe surrender information statewide and to regularly publish information on safe surrenders.

**Sec. 2.** RCW 13.34.360 and 2009 c 290 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Appropriate location" means (i) the emergency department of a hospital licensed under chapter 70.41 RCW during the hours the hospital is in operation; (ii) a fire station during its hours of operation and while fire personnel are present; or (iii) a federally designated rural health clinic during its hours of operation.

(b) "Newborn" means a live human being who is less than seventy-two hours old.

(c) "Qualified person" means (i) any person that the parent transferring the newborn reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital or federally designated rural health clinic and who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs; or (ii) a firefighter, volunteer, or emergency medical technician at a fire station who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location is not subject to criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

(3)(a) The qualified person at an appropriate location shall not require the parent transferring the newborn to provide any identifying information in order to transfer the newborn.

(b) The qualified person at an appropriate location shall attempt to protect the anonymity of the parent who transfers the newborn, while providing an opportunity for the parent to anonymously give the qualified person such information as the parent knows about the family medical history of the parents and the newborn. The qualified person at an appropriate location shall provide referral information about adoption options, counseling, appropriate medical and emotional aftercare services, domestic violence, and legal rights to the parent seeking to transfer the newborn.

(c) If a parent of a newborn transfers the newborn to a qualified person at an appropriate location pursuant to this section, the qualified person shall cause child protective services to be notified within twenty-four hours after receipt of such a newborn. Child protective services shall assume custody of the newborn within twenty-four hours after receipt of notification.

(d) A federally designated rural health clinic is not required to provide ongoing medical care of a transferred newborn beyond that already required by law and may transfer the newborn to a hospital licensed under chapter 70.41 RCW. The federally designated rural health clinic shall notify child protective services of the transfer of the newborn to the hospital.

(e) A hospital, federally designated rural health clinic, or fire station, its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this section.

(4)(a) Beginning July 1, 2011, an appropriate location shall post a sign indicating that the location is an appropriate place for the safe and legal transfer of a newborn.

(b) To cover the costs of acquiring and placing signs, appropriate locations may accept nonpublic funds and donations.

(5) The department shall collect and compile information concerning the number of newborns transferred under this section after the effective date of this section. The department shall report its findings to the public annually, which may be on its web site, beginning July 31, 2018.

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Palumbo moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5522.

Senator Palumbo spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Palumbo that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5522.

The motion by Senator Palumbo carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5522 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5522, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5522, as amended by the House, 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, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

Voting nay: Senator Padden

SUBSTITUTE SENATE BILL NO. 5522, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

February 28, 2018

FIFTY SEVENTH DAY, MARCH 5, 2018

2018 REGULAR SESSION

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5683 with the following amendment(s): 5683-S AMH APP H5085.1

Strike everything after the enacting clause and insert the following:

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

(a) The compact of free association (COFA) islands, which consists of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia, has had a long-standing relationship with the United States;

(b) The relationship between the COFA islands and the United States includes economic development and a military presence in the islands;

(c) The region served as a testing ground for atmospheric nuclear weapons between 1946 and 1957, which resulted in past and current inhabitants being exposed to nuclear fallout;

(d) Residents of the COFA islands are allowed to enter the United States without work permits or visas where they live, study, work, serve in the military, and pay state and federal taxes, but are ineligible for federal health programs like medicaid and medicare; and

(e) This ineligibility for federal health programs has exacerbated barriers to health care access for this population, which has led to poorer health outcomes and increased, long-term costs on the health care system as a whole.

(2) The legislature therefore intends to increase access to health care services for COFA islanders residing in Washington by providing premium and cost-sharing assistance for health coverage purchased through the health benefit exchange.

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

(1) "Advance premium tax credit" means the premium assistance amount determined in accordance with the affordable care act.

(2) "Affordable care act" means the federal patient protection and affordable care act, P.L. 111-148, as amended by the federal health care and education reconciliation act of 2010, P.L. 111-152, or federal regulations or guidance issued under the affordable care act.

(3) "Authority" means the Washington state health care authority.

(4) "COFA citizen" means a person who is a citizen of:

- (a) The Republic of the Marshall Islands;
- (b) The Federated States of Micronesia; or
- (c) The Republic of Palau.

(5) "Health benefit exchange" or "exchange" means the Washington health benefit exchange established in chapter 43.71 RCW.

(6) "Income" means the modified adjusted gross income attributed to an individual for purposes of determining his or her eligibility for advance premium tax credits.

(7) "In-network provider" means a health care provider or group of providers that directly contracts with an insurer to provide health benefits covered by a health benefit plan offered by an insurer.

(8) "Open enrollment period" means the period during which a person may enroll in a qualified health plan.

(9) "Out-of-pocket costs" means copayments, coinsurance, deductibles, and other cost-sharing requirements imposed under a qualified health plan for services, pharmaceuticals, devices, and other health benefits that are covered by the plan and rendered by in-network providers.

(10) "Premium cost" means an individual's premium for a qualified health plan less the amount of the individual's advance premium tax credit.

(11) "Qualified health plan" means a health benefit plan sold through the health benefit exchange.

(12) "Resident" means a person who is domiciled in this state.

(13) "Special enrollment period" means a period during which a person who has not done so during the open enrollment period may enroll in a qualified health plan through the exchange if the person meets specified requirements.

**NEW SECTION. Sec. 3.** (1) An individual is eligible for the COFA premium assistance program if the individual:

(a) Is a resident;

(b) Is a COFA citizen;

(c) Enrolls in a silver qualified health plan;

(d) Has income that is less than one hundred thirty-three percent of the federal poverty level; and

(e) Is ineligible for a federal or state medical assistance program administered by the authority under chapter 74.09 RCW.

(2) Subject to the availability of amounts appropriated for this specific purpose, the authority shall pay the premium cost for a qualified health plan and the out-of-pocket costs for the coverage provided by the plan for an individual who is eligible for the premium assistance program under subsection (1) of this section.

(3) The authority may disqualify a participant from the program if the participant:

(a) No longer meets the eligibility criteria in subsection (1) of this section;

(b) Fails, without good cause, to comply with procedural or documentation requirements established by the authority in accordance with subsection (4) of this section;

(c) Fails, without good cause, to notify the authority of a change of address in a timely manner;

(d) Withdraws the participant's application or requests termination of coverage; or

(e) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(4) The authority shall establish:

(a) Application, enrollment, and renewal processes for the COFA premium assistance program;

(b) The qualified health plans that are eligible for reimbursement under the program;

(c) Procedural requirements for continued participation in the program, including participant documentation requirements that are necessary for the authority to administer the program;

(d) Open enrollment periods and special enrollment periods consistent with the enrollment periods for the health insurance exchange; and

(e) A comprehensive community education and outreach campaign, working with stakeholder and community organizations, to facilitate applications for, and enrollment in, the program. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach program shall provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, benefit utilization, and patient responsibilities.

(5) The community education and outreach campaign conducted by the authority must begin no later than September 1, 2018.

(6) The first open enrollment period for the COFA premium assistance program must begin no later than November 1, 2018.

**NEW SECTION. Sec. 4.** The authority shall appoint an

advisory committee that includes, but is not limited to, insurers and representatives of communities of COFA citizens. The committee shall advise the authority in the development, implementation, and operation of the COFA premium assistance program established in this chapter. The advisory committee must exist until at least December 31, 2019. Subject to the availability of amounts appropriated for this specific purpose, advisory committee members may be reimbursed for transportation and travel expenses related to serving on the committee, as needed.

**NEW SECTION. Sec. 5.** No later than December 31, 2019, the authority shall report to the governor and the legislature on the implementation of the COFA premium assistance program established under this chapter including, but not limited to:

- (1) The number of individuals participating in the program;
- (2) The actual costs of the program compared to predicted costs;
- (3) The results of the community education and outreach campaign; and
- (4) Funding needed to continue the program through the end of the biennium.

**NEW SECTION. Sec. 6.** 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.

**NEW SECTION. Sec. 7.** Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5683.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5683.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5683 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5683, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5683, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel, Braun, Hawkins, Short and Warnick

SUBSTITUTE SENATE BILL NO. 5683, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6051 with the following amendment(s): 6051-S AMH JUDI H4925.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that medicaid provider fraud and the abuse and neglect of persons in nursing facilities, adult family homes, and long-term care services present a serious risk of harm to the people of the state of Washington in general and to vulnerable adults in particular. The legislature intends with this chapter to enable the medicaid fraud control unit within the office of the attorney general to achieve its limited but vital mission to detect, deter, and prosecute the specialized areas of medicaid fraud, abuse, and neglect in Washington's medicaid system. This jurisdiction will also facilitate the medicaid fraud control unit's capacity to fulfill its investigative and prosecutorial obligations under the federal grant, 42 U.S.C. Sec. 1396b(q), to ensure that the federal grant funding requirements for Washington's medicaid program are met. Failure to meet these federal program integrity standards could jeopardize the federal funding for Washington's medicaid program. Furthermore, the legislature intends by this chapter that the medicaid fraud control unit will fully coordinate its efforts with county and local prosecutors and law enforcement to maximize effectiveness and promote efficiency.

**NEW SECTION. Sec. 2.** (1) The attorney general shall establish and maintain within his or her office the medicaid fraud control unit.

(2) The attorney general shall employ and train personnel to achieve the purposes of this chapter, including attorneys, investigators, auditors, clerical support personnel, and other personnel as the attorney general determines necessary.

(3) The medicaid fraud control unit has the authority and criminal jurisdiction to investigate and prosecute medicaid provider fraud, abuse and neglect matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4) where authority is granted by the federal government, and other federal health care program fraud as set forth in 42 U.S.C. Sec. 1396b(q).

(4) The medicaid fraud control unit shall cooperate with federal and local investigators and prosecutors in coordinating local, state, and federal investigations and prosecutions involving fraud in the provision or administration of medical assistance, goods or services pursuant to medicaid, medicaid managed care, abuse and neglect matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4), or medicare where such authority is obtained from the federal government, and provide those federal officers with any information in its possession regarding such an investigation or prosecution.

(5) The medicaid fraud control unit shall protect the privacy of patients and establish procedures to ensure confidentiality for all records, in accordance with state and federal laws, including but not limited to chapter 70.02 RCW and the federal health insurance portability and accountability act.

(6) The attorney general may appoint medicaid fraud control investigators to detect, investigate, and apprehend when it appears

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that a violation of criminal law relating to medicaid fraud, medicaid managed care fraud, medicare fraud, or abuse and neglect matters as enumerated in 42 U.S.C. Sec. 1396b(q)(4) has been or is about to be committed and specify the extent and limitations of the investigators' duties and authority in carrying out the limited scope and purposes of this chapter.

(7) The department of social and health services or law enforcement agencies that receive mandatory reports under RCW 74.34.035 may share such reports in a timely manner with the medicaid fraud control unit within the office of the attorney general.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act constitute a new chapter in Title 74 RCW."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6051.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6051.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6051 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6051, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6051, as amended by the House, 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, Dhingra, Erickson, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

SUBSTITUTE SENATE BILL NO. 6051, as amended by the House, 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.

MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6058 with the following amendment(s): 6058 AMH SEIT OMLI 115

On page 5, at the beginning of line 35, strike all material through "~~These~~)" on line 37 and insert "A ballot is invalid and no votes on that ballot may be counted if it is found folded

together with another ballot.

~~((These))~~"

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Hunt moved that the Senate concur in the House amendment(s) to Senate Bill No. 6058.

Senator Hunt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Senate concur in the House amendment(s) to Senate Bill No. 6058.

The motion by Senator Hunt carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6058 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6058, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6058, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Baumgartner, Hasegawa and Honeyford

SENATE BILL NO. 6058, as amended by the House, 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.

MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6068 with the following amendment(s): 6068-S.E AMH JUDI H4997.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 4.24 RCW to read as follows:

(1) In any civil judicial or administrative action relating to sexual harassment or sexual assault, a nondisclosure policy or agreement that purports to limit the ability of any person to produce evidence regarding past instances of sexual harassment or sexual assault by a party to the civil action does not affect discovery or the availability of witness testimony relating to that civil action. Any provision of a nondisclosure policy or agreement including any arbitration agreement or decision that would limit, prevent, or punish such disclosure is contrary to public policy and unenforceable. However, the court or presiding officer shall enter appropriate orders upon motion of any party supported by affidavit or sworn declaration, or without motion but on the court's or presiding officer's own accord, to ensure that the

identity of any person who is or is alleged to be a victim of sexual harassment or sexual assault is not made public as a result of a disclosure made under this section, unless such person consents.

(2) The provisions of this section do not alter admissibility standards of evidence for the court or presiding officer to decide whether the probative value of evidence offered outweighs the potential prejudice.

**NEW SECTION. Sec. 2.** This act applies to actions pending as of the effective date and actions filed after the effective date." Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6068.

Senators Pedersen and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6068.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6068 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6068, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6068, as amended by the House, 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, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 6068, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251 with the following amendment(s): 5251-S4.E AMH CDHT H4949.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. FINDINGS AND PURPOSE.** (1) The legislature finds that the tourism industry is the fourth largest economic sector in the state of Washington and provides

general economic benefit to the state. Since 2011 there have been minimal general funds committed to statewide tourism marketing and Washington is the only state without a state-funded tourism marketing program. Before 2011, the amount of funds appropriated to statewide tourism marketing was not significant and, in fact, Washington ranked forty-eighth in state tourism funding. Washington has significant attractions and activities for tourists, including many natural outdoor assets that draw visitors to mountains, waterways, parks, and open spaces. There should be a program to publicize these assets and activities to potential out-of-state visitors that is implemented in an expeditious manner by tourism professionals in the private sector.

(2) The purpose of this act is to establish the framework and funding for a statewide tourism marketing program. The program needs to have a structure that includes significant, stable, long-term funding, and it should be implemented and managed by the tourism industry. The source of funds should be from major sectors of the tourism industry with government assistance in collecting these funds and providing accountability for their expenditure. The dedicated sales tax authorized for contributions made in this chapter will bring direct benefits to those making contributions by bringing more tourists into the state who will patronize the participating businesses and create economic benefit for the state.

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

(1) "Authority" means the Washington tourism marketing authority created in section 3 of this act.

(2) "Board" means the Washington tourism marketing authority board of directors.

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

(4) "Director" means the director of the department of commerce.

(5) "Statewide tourism marketing account" means the account created pursuant to section 5 of this act.

**NEW SECTION. Sec. 3. WASHINGTON TOURISM MARKETING AUTHORITY—ESTABLISHED.** (1) The Washington tourism marketing authority is established as a public body constituting an instrumentality of the state of Washington.

(2) The authority is responsible for contracting for statewide tourism marketing services that promote tourism on behalf of the citizens of the state, and for managing the authority's financial resources.

(3) The department provides administrative assistance to the authority and serves as the fiscal agent of the authority for moneys appropriated for purposes of the authority.

(4) The authority must create a private local account to receive nonstate funds and state funds, other than general fund state funds, contributed to the authority for purposes of this chapter.

**NEW SECTION. Sec. 4. BOARD OF DIRECTORS AND ADVISORY COMMITTEE.** (1) The authority must be governed by a board of directors. The board of directors must consist of:

(a) Two members and two alternates from the house of representatives, with one member and one alternate appointed from each of the two major caucuses of the house of representatives by the speaker of the house of representatives;

(b) Two members and two alternates from the senate, with one member and one alternate appointed from each of the two major caucuses of the senate by the president of the senate; and

(c) Nine representatives with expertise in the tourism industry and related businesses including, but not limited to, hotel, restaurant, outdoor recreation, attractions, retail, and rental car



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businesses appointed by the governor.

(2) The initial membership of the authority must be appointed as follows:

(a) By May 1, 2018, the speaker of the house of representatives and the president of the senate must each submit to the governor a list of ten nominees who are not legislators or employees of the state or its political subdivisions, with no caucus submitting the same nominee;

(b) The nominations from the speaker of the house of representatives must include at least one representative from the restaurant industry; one representative from the rental car industry; and one representative from the retail industry;

(c) The nominations from the president of the senate must include at least one representative from the hotel industry; one representative from the attractions industry; and one representative from the outdoor recreation industry; and

(d) The remaining member appointed by the governor must have a demonstrated expertise in the tourism industry.

(3) By July 1, 2018, the governor must appoint four members from each list submitted by the speaker of the house of representatives and the president of the senate under subsection (2)(a) through (c) of this section and one member under subsection (2)(d) of this section. Appointments by the governor must reflect diversity in geography, size of business, gender, and ethnicity. No county may have more than two appointments and no city may have more than one appointment.

(4) There must be a nonvoting advisory committee to the board. The advisory committee must consist of:

(a) One ex officio representative from the department, state parks and recreation commission, department of transportation, and other state agencies as the authority deems appropriate; and

(b) One member from a federally recognized Indian tribe appointed by the director of the department.

(5) The initial appointments under subsections (1) and (2) of this section must be appointed by the governor to terms as follows: Four members for two-year terms; four members for three-year terms; and five members for four-year terms, which must include the chair. After the initial appointments, all appointments must be for four years.

(6) The board must select from its membership the chair of the board and such other officers as it deems appropriate. The chair of the board must be a member from the tourism industry or related businesses.

(7) A majority of the board constitutes a quorum.

(8) The board must create its own bylaws in accordance with the laws of the state of Washington.

(9) Any member of the board may be removed for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless the notice and hearing are expressly waived in writing by the affected member.

(10) If a vacancy occurs on the board, a replacement must be appointed for the unexpired term.

(11) The members of the board serve without compensation but are entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties.

(12) The board must meet at least quarterly.

(13) No board member of the authority may serve on the board of an organization that could be considered for a contract authorized under section 6 of this act.

**NEW SECTION. Sec. 5. STATEWIDE TOURISM MARKETING ACCOUNT.** The statewide tourism marketing account is created in the state treasury. All receipts from tax revenues under section 9 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only

for expenditures of the department that are related to implementation of a statewide tourism marketing program and operation of the authority. A two-to-one nonstate or state fund, other than general fund state, match must be provided for all expenditures from the account. A match may consist of nonstate or state fund, other than general fund state, cash contributions deposited in the private local account created under section 3(4) of this act, the value of an advertising equivalency contribution, or an in-kind contribution. The board must determine criteria for what qualifies as an in-kind contribution.

**NEW SECTION. Sec. 6. USE OF FUNDS.** (1) From amounts appropriated to the department for the authority and from other moneys available to it, the authority may incur expenditures for any purpose specifically authorized by this chapter including:

(a) Entering into a contract for a multiple-year statewide tourism marketing plan with a statewide nonprofit organization existing on the effective date of this section whose sole purpose is marketing Washington to tourists. The marketing plan must include, but is not limited to, focuses on rural tourism-dependent counties, natural wonders and outdoor recreation opportunities of the state, attraction of international tourists, identification of local offerings for tourists, and assistance for tourism areas adversely impacted by natural disasters. In the event that no such organization exists on the effective date of this section or the initial contractor ceases to exist, the authority may determine criteria for a contractor to carry out a statewide marketing program;

(b) Contracting for the evaluation of the impact of the statewide tourism marketing program; and

(c) Paying for administrative expenses of the authority, which may not exceed two percent of the state portion of funds collected in any fiscal year.

(2) All nonstate moneys received by the authority under section 7 of this act or otherwise provided to the authority for purposes of matching funding must be deposited in the authority's private local account created under section 3(4) of this act and are held in trust for uses authorized solely by this chapter.

**NEW SECTION. Sec. 7. GIFTS OR GRANTS TO THE WASHINGTON TOURISM MARKETING AUTHORITY.** The board may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the authority and spend gift, grants, or endowments or income from public or private sources according to their terms, unless the receipt of gifts, grants, or endowments violates RCW 42.17A.560.

**NEW SECTION. Sec. 8. SHORT TITLE.** This chapter may be known and cited as the statewide tourism marketing act.

**NEW SECTION. Sec. 9.** A new section is added to chapter 82.08 RCW to read as follows:

(1) Beginning July 1, 2018, 0.2 percent of taxes collected pursuant to RCW 82.08.020(1) on retail sales of lodging, car rentals, and restaurants must be deposited into the statewide tourism marketing account created in section 5 of this act. Except as provided otherwise for fiscal year 2019 in subsection (2) of this section, future revenue collections under this section may be up to three million dollars per biennium and must be deposited into the statewide tourism marketing account created in section 5 of this act. The deposit under this subsection to the statewide tourism marketing account may only occur if the legislature authorizes the deposit in the biennial omnibus appropriations act.

(2) For fiscal year 2019, up to a maximum of one million five hundred thousand dollars must be deposited in the statewide

tourism marketing account created in section 5 of this act. The deposit under this subsection to the statewide tourism marketing account may only occur if the legislature authorizes the deposit in the biennial omnibus appropriations act.

**Sec. 10.** RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 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 early learning facilities development account, the early learning

facilities revolving 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 statewide tourism marketing 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 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 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.

**NEW SECTION. Sec. 11.** The joint legislative audit and review committee must conduct an evaluation of the performance of the authority created in chapter 43.--- RCW (the new chapter created in section 12 of this act) and report its findings and recommendations, in compliance with RCW 43.01.036, to the governor and the economic development committees of the senate and house of representatives by December 1, 2023. The purpose of the evaluation is to determine the extent to which the authority has contributed to the growth of the tourism industry and economic development of the state. An interim report by the authority, submitted in compliance with RCW 43.01.036, is due to the governor and economic development committees of the house of representatives and senate by December 1, 2021. The report must provide an update on the authority's progress in implementing a statewide tourism marketing program.

**NEW SECTION. Sec. 12.** Sections 1 through 8 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Takko moved that the Senate concur in the House amendment(s) to Engrossed Fourth Substitute Senate Bill No. 5251.

Senators Takko, Chase and Angel spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Takko that the Senate concur in the House amendment(s) to Engrossed Fourth Substitute Senate Bill No.

5251.

The motion by Senator Takko carried and the Senate concurred in the House amendment(s) to Engrossed Fourth Substitute Senate Bill No. 5251 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Fourth Substitute Senate Bill No. 5251, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Fourth Substitute Senate Bill No. 5251, as amended by the House, 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, Dhingra, Ericksen, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

ENGROSSED FOURTH SUBSTITUTE SENATE BILL NO. 5251, as amended by the House, 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.

MESSAGE FROM THE HOUSE

March 2, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6133 with the following amendment(s): 6133-S AMH SANT MOET 963

On page 2, at the beginning of line 10, strike "technology, engineering."

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6133.

Senator Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6133.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6133 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6133, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6133, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0;

Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 6133, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6126 with the following amendment(s): 6126-S AMH LAWS H4980.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.28.191 and 2016 c 198 s 2 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journey level electrician, journey level electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) ~~((Before July 1, 2005, an applicant who possesses a valid journey level electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journey level electrician certificate of competency without examination.~~

~~(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.~~

~~(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:~~

~~(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and~~

~~(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.~~

~~(d)) To be eligible to take the examination for a master journey level electrician certificate of competency, the applicant must have possessed a valid journey level electrician certificate of competency for four years.~~

~~((e)) (b) To be eligible to take the examination for a master specialty electrician certificate of competency, the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.~~

~~((f)) (c) To be eligible to take the examination for a journey level certificate of competency, the applicant must have((~~

~~(+)) successfully completed an apprenticeship program approved under chapter 49.04 RCW or equivalent apprenticeship~~

program approved by the department for the electrical construction trade in which the applicant worked in the electrical construction trade for a minimum of eight thousand hours((~~of which~~)). Four thousand of the hours shall be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journey level electrician((~~or~~

((ii) ~~Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade~~)). The holder of a specialty electrician certificate of competency with a four thousand hour work experience requirement shall be allowed to credit the work experience required to obtain that certificate towards apprenticeship requirements for qualifying to take the examination for a journey level electrician certificate of competency.

~~((g)(+)) (d) To be eligible to take the examination for a specialty electrician certificate of competency, the applicant must have:~~

~~((A)) (i) Worked in the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), or other new nonresidential specialties as determined by the department in rule under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours;~~

~~((B)) (ii) Worked in the appliance repair specialty as determined by the department in rule, restricted nonresidential maintenance as determined by the department in rule, the equipment repair specialty as determined by the department in rule, the pump and irrigation specialty other than as defined by ((g)) (d)(i)((A)) of this subsection or domestic pump specialty as determined by the department in rule, or a specialty other than the designated specialties in ((g)) (d)(i)((A)) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits excluding the replacement or repair of circuit breakers. The department may alter the scope of work for the restricted nonresidential maintenance specialty by rule. The initial period must be spent under one hundred percent supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in ((g)) (d)(i)((A)) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; ((~~

~~(C)) (iii) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in~~

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the electrical construction trade~~(-); or~~

~~((iii)) (iv)~~ In meeting the training requirements for the pump and irrigation or domestic pump specialties, the individual shall be allowed to obtain the experience required by this section at the same time the individual is meeting the experience required by RCW 18.106.040(1)(c). After meeting the training requirements provided in this section, the individual may take the examination and upon passing the examination, meeting additional training requirements as may still be required for those seeking a pump and irrigation, or a domestic pump specialty certificate as defined by rule, and paying the applicable fees, the individual must be issued the appropriate certificate. The department may include an examination for specialty plumbing certificate defined in RCW 18.106.010(10)(c) with the examination required by this section. The department, by rule and in consultation with the electrical board, may establish additional equivalent ways to gain the experience requirements required by this subsection. ~~((Individuals who are able to provide evidence to the department, prior to January 1, 2007, that they have been employed as a pump installer in the pump and irrigation or domestic pump business by an appropriately licensed electrical contractor, registered general contractor defined by chapter 18.27 RCW, or appropriate general specialty contractor defined by chapter 18.27 RCW for not less than eight thousand hours in the most recent six calendar years shall be issued the appropriate certificate by the department upon receiving such documentation and applicable fees.))~~ The department shall establish a single document for those who have received both an electrical specialty certification as defined by this subsection and have also met the certification requirements for the specialty plumber as defined by RCW 18.106.010(10)(c), showing that the individual has received both certifications. No other experience or training requirements may be imposed.

~~((iii)) Before July 1, 2015, an applicant possessing an electrical training certificate issued by the department is eligible to apply one hour of every two hours of unsupervised telecommunications system installation work experience toward eligibility for examination for a limited energy system certificate of competency (as specified in WAC 296 46B 920(2)(e)), if:~~

~~(A) The telecommunications work experience was obtained while employed by a contractor licensed under this chapter as a general electrical contractor (as specified in WAC 296 46B 920(1)) or limited energy system specialty contractor (as specified in WAC 296 46B 920(2)(e)); and~~

~~(B) Evidence of the telecommunications work experience is submitted in the form of an affidavit prescribed by the department.~~

~~((ii)) (e)~~ Any applicant for a journey level electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to two years of the technical or trade school program for two years of work experience under a master journey level electrician or journey level electrician required under the apprenticeship program. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to complete an apprenticeship and take the examination for the journey level electrician certificate of competency.

~~((ii)) (f)~~ An applicant for a specialty electrician certificate of

competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

~~((ii)) (g)~~ The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journey level electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

~~((ii)) (h)~~ No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating ~~((the time and place))~~ instructions for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, "full-time basis" means two thousand hours.

**Sec. 2.** RCW 19.28.161 and 2013 c 23 s 29 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journey level electrician certificate of competency, journey level electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy

system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair. ~~((Until July 1, 2007, the department of labor and industries shall issue a written warning to any specialty pump and irrigation or domestic pump electrician not having a valid electrician certification. The warning will state that the individual must apply for an electrical training certificate or be qualified for and apply for electrician certification under the requirements in RCW 19.28.191(1)(e) within thirty calendar days of the warning. Only one warning will be issued to any individual. If the individual fails to comply with this section, the department shall issue a penalty as defined in RCW 19.28.271 to the individual.))~~

(2)(a) A person who is ~~((indentured))~~; (i) Registered in an apprenticeship program approved under chapter 49.04 RCW or equivalent apprenticeship program approved by the department for the electrical construction trade ~~((or who is))~~; (ii) learning the electrical construction trade while working in a specialty; or (iii) learning the electrical construction trade in a program described in RCW 19.28.191(1) (e) or (f) for a journey level certificate of competency may work in the electrical construction trade if supervised by a certified master journey level electrician, journey level electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty.

(b) All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The certificate may include a photograph of the holder. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer. The holder shall also provide proof of ~~((sixteen))~~ forty-eight hours of: Approved classroom training covering this chapter, the national electrical code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)(~~((h))~~) (e). ~~((The number of hours of approved classroom training required for certificate renewal shall increase as follows: (a) Beginning on July 1, 2011, the holder of an electrical training certificate shall provide the department with proof of thirty-two hours of approved classroom training; and (b) beginning on July 1, 2013, the holder of an electrical training certificate shall provide the department with proof of forty-eight hours of approved classroom training. At the request of the chairs of the house of representatives commerce and labor committee and the senate labor, commerce and consumer protection committee, or their successor committees, the department of labor and industries shall provide information on the implementation of the new classroom training requirements for electrical trainees to both committees by December 1, 2012.))~~) A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter.

(c)(i) Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(ii) Unless working in a specialty, apprentices and individuals

learning the electrical construction trade must also have in their possession proof of apprenticeship or training program registration. They shall show their apprenticeship or training program registration documents to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work: (a) If that person is under supervision, and is (b) unless working in a specialty, (i) registered in an approved journey level apprenticeship program, as appropriate; or (ii) learning the electrical construction trade in a program described in RCW 19.28.191(1)(e) for a journey level certificate of competency. Supervision shall consist of a person being on the same job site and under the control of either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journey level electricians, journey level electricians, master specialty electricians, or specialty electricians on any one job site is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journey level electrician, not more than one noncertified individual for every certified master journey level electrician or journey level electrician, except that the ratio requirements shall be one certified master journey level electrician or journey level electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

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(5) For the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)((~~g~~)) (d)(ii). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor.

**Sec. 3.** RCW 19.28.205 and 2013 c 23 s 32 are each amended to read as follows:

(1) An applicant for a journey level certificate of competency under RCW 19.28.191(1)((~~f~~)) (c) or a specialty electrician certificate of competency under RCW 19.28.191(1)((~~g~~)) (d) must demonstrate to the satisfaction of the department completion of in-class education as follows:

(a) Twenty-four hours of in-class education if two thousand hours or more but less than four thousand hours of work are required for the certificate;

(b) Forty-eight hours of in-class education if four thousand or more but less than six thousand hours of work are required for the certificate;

(c) Seventy-two hours of in-class education if six thousand or more but less than eight thousand hours of work are required for the certificate;

(d) Ninety-six hours of in-class education if eight thousand or more hours of work are required for the certificate.

(2) For purposes of this section, "in-class education" means approved classroom training covering this chapter, the national electric code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)((~~h~~)) (e).

(3) Classroom training taken to qualify for trainee certificate renewal under RCW 19.28.161 qualifies as in-class education under this section.

**NEW SECTION. Sec. 4.** A new section is added to chapter 19.28 RCW to read as follows:

(1) The department may permit an applicant who obtained experience and training equivalent to a journey level apprenticeship program to take the examination if the applicant establishes that the applicant has the equivalent training and experience and demonstrates good cause for not completing the required minimum hours of work under standards applicable on the effective date of this section.

(2) This section expires July 1, 2025.

**NEW SECTION. Sec. 5.** Sections 1 through 4 of this act

take effect July 1, 2023."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

#### MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6126.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6126.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6126 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6126, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6126, as amended by the House, 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, Dhingra, Fain, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson and Zeiger

Voting nay: Senators Ericksen, Honeyford, Padden, Schoesler, Short and Warnick

SUBSTITUTE SENATE BILL NO. 6126, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

March 1, 2018

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6127 with the following amendment(s): 6127-S.E AMH AGNR H4899.1

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 77.32.430 and 2011 c 339 s 9 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the commission. Except as provided in this section, there is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs eleven dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially

endorsed for Dungeness crab. The endorsement shall cost no more than seven dollars and fifty cents when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than three dollars when purchased for a temporary combination fishing license authorized under RCW 77.32.470(3)(a).

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are neither subject to the ten-dollar charge nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for one day.

(4) A catch record card for halibut may not cost more than five dollars when purchased with an annual saltwater or combination fishing license and must be provided at no cost for those who purchase a one-day temporary saltwater fishing license or one-day temporary charter stamp.

(5) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

~~((5))~~ (6)(a) The funds received from the sale of catch record cards, catch card penalty fees, and the Dungeness crab endorsement must be deposited into the state wildlife account created in RCW 77.12.170.

(i)(A) One dollar of the funds received from the sale of each Dungeness crab endorsement must be used for the removal and disposal of derelict shellfish gear either directly by the department or under contract with a third party. The department is required to maintain a separate accounting of these funds and provide an annual report to the commission and the legislature by January 1st of every year.

(B) The remaining portion of the funds received from the sale of each Dungeness crab endorsement must be used for education, sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries.

(ii) Funds received from the sale of halibut catch record cards must be used for monitoring and management of recreational halibut fisheries, including expanding opportunities for recreational anglers.

(b) Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Van De Wege moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6127.

Senators Van De Wege and Warnick spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Van De Wege that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6127.

The motion by Senator Van De Wege carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6127 by voice vote.

The President declared the question before the Senate to be the

final passage of Engrossed Substitute Senate Bill No. 6127, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6127, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Honeyford, Padden and Short

ENGROSSED SUBSTITUTE SENATE BILL NO. 6127, as amended by the House, 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.

#### MESSAGE FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:

The House passed SENATE BILL NO. 6298 with the following amendment(s): 6298 AMH JUDI H5026.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.040 and 2017 c 233 s 4 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another, committed on or after the effective date of this section:

(iii) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99,



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26.09, 26.10, 26.26, or 26.50 RCW that:

(A) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(B) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(II) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;

~~((iii))~~ (iv) After having previously been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

~~((iv))~~ (v) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

~~((v))~~ (vi) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) (a)~~((iii))~~ (iii) of this subsection does not apply to a sexual assault protection order under chapter 7.90 RCW if the order has been modified pursuant to RCW 7.90.170 to remove any restrictions on firearm purchase, transfer, or possession.

(c) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2)

of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection (4) only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

(8) For purposes of this section, "intimate partner" includes: A spouse, a domestic partner, a former spouse, a former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabitated or is cohabitating as part of a dating relationship."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

## MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Senate Bill No. 6298.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Senate Bill No. 6298.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6298 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6298, as amended by the House.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6298, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Becker, Brown, Fortunato, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner and Wilson

SENATE BILL NO. 6298, as amended by the House, 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.

## MESSAGES FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1209,  
ENGROSSED HOUSE BILL NO. 1237,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 1561,  
SUBSTITUTE HOUSE BILL NO. 2424,  
SUBSTITUTE HOUSE BILL NO. 2561,  
SUBSTITUTE HOUSE BILL NO. 2627,  
HOUSE BILL NO. 2709,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

## 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. 2016,  
HOUSE BILL NO. 2087,  
SUBSTITUTE HOUSE BILL NO. 2101,  
HOUSE BILL NO. 2208,  
SUBSTITUTE HOUSE BILL NO. 2256,  
SUBSTITUTE HOUSE BILL NO. 2298,  
SUBSTITUTE HOUSE BILL NO. 2308,  
SUBSTITUTE HOUSE BILL NO. 2342,

HOUSE BILL NO. 2368,  
SUBSTITUTE HOUSE BILL NO. 2398,  
HOUSE BILL NO. 2443,  
HOUSE BILL NO. 2446,  
HOUSE BILL NO. 2479,  
SUBSTITUTE HOUSE BILL NO. 2514,  
SUBSTITUTE HOUSE BILL NO. 2516,  
HOUSE BILL NO. 2517,  
SUBSTITUTE HOUSE BILL NO. 2528,  
SUBSTITUTE HOUSE BILL NO. 2530,  
SUBSTITUTE HOUSE BILL NO. 2538,  
HOUSE BILL NO. 2539,  
SUBSTITUTE HOUSE BILL NO. 2576,  
SENATE BILL NO. 5028,  
ENGROSSED SENATE BILL NO. 5288,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5928,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,  
SUBSTITUTE SENATE BILL NO. 6012,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL  
NO. 6029,  
SENATE BILL NO. 6040,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6109,  
SUBSTITUTE SENATE BILL NO. 6124,  
SENATE BILL NO. 6125,  
SENATE BILL NO. 6134,  
SENATE BILL NO. 6136,  
SENATE BILL NO. 6188,  
SENATE BILL NO. 6197,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6199,  
ENGROSSED SENATE JOINT MEMORIAL NO. 8008.

## MOTION

At 4:29 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus.

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 EVENING SESSION
 

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The Senate was called to order at 5:32 p.m. by President Habib.

## MESSAGE FROM THE HOUSE

March 5, 2018

MR. PRESIDENT:

The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1524,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 2143,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL  
NO. 2177,  
THIRD SUBSTITUTE HOUSE BILL NO. 2382,  
SUBSTITUTE HOUSE BILL NO. 2667,  
ENGROSSED HOUSE BILL NO. 2759,  
HOUSE BILL NO. 2892,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

## MOTION

At 5:32 p.m., on motion of Senator Liias, the Senate adjourned until 11:00 o'clock a.m. Tuesday, March 6, 2018.



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