

FIFTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 4, 2015

The Senate was called to order at 9:00 o'clock a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exceptions of Senator Baumgartner, Frockt and Hewitt.

The Sergeant at Arms Color Guard consisting of Pages Amy Rood and Everett Buck, presented the Colors. Pastor Tony Traback of Lighthouse Christian Center in Puyallup, guest of Senator Dammeier, offered the prayer.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

March 3, 2015

MR. PRESIDENT:

The House has passed:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1060,
- HOUSE BILL NO. 1355,
- HOUSE BILL NO. 1356,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1410,
- ENGROSSED HOUSE BILL NO. 1443,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1495,
- ENGROSSED HOUSE BILL NO. 1989,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2131

and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 2015

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1179,
- HOUSE BILL NO. 1268,
- HOUSE BILL NO. 1322,
- HOUSE BILL NO. 1342,
- HOUSE BILL NO. 1392,
- SUBSTITUTE HOUSE BILL NO. 1447,
- SUBSTITUTE HOUSE BILL NO. 1527,
- HOUSE BILL NO. 1547,
- HOUSE BILL NO. 1550,
- HOUSE BILL NO. 1601,
- SUBSTITUTE HOUSE BILL NO. 1619,
- HOUSE BILL NO. 1622,
- SUBSTITUTE HOUSE BILL NO. 1636,
- HOUSE BILL NO. 1641,
- HOUSE BILL NO. 1752,
- SUBSTITUTE HOUSE BILL NO. 1806,

HOUSE BILL NO. 1858
and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6076 by Senators Bailey, Litzow, Benton, Baumgartner, Sheldon, Becker, Schoesler, Angel, Miloscia, Honeyford, Braun and Fain

AN ACT Relating to garnishing public pensions to pay for the costs of incarceration of a public employee convicted of a felony for misconduct associated with such person's service as a public employee; amending RCW 41.26.053, 41.32.052, 41.34.080, 41.35.100, 41.37.090, 41.40.052, and 43.43.310; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6077 by Senators Bailey, Litzow, Benton, Baumgartner, Sheldon, Becker, Angel, Schoesler, Hewitt, Miloscia, Braun and Fain

AN ACT Relating to the forfeiture of the pension of a public employee convicted of a felony for misconduct associated with such person's service as a public employee; adding a new section to chapter 41.04 RCW; and prescribing penalties.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1002 by House Committee on Health Care & Wellness (originally sponsored by Representative DeBolt)

AN ACT Relating to prohibiting unfair and deceptive dental insurance practices; adding new sections to chapter 48.43 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 1014 by Representative Appleton

AN ACT Relating to antifreeze products; and amending RCW 19.94.544.

Referred to Committee on Commerce & Labor.

SHB 1031 by House Committee on Education (originally sponsored by Representatives Johnson, Santos, Haler, Appleton, Sells, S. Hunt, Gregerson, Reykdal, Bergquist, Van De Wege, Hargrove, Ormsby, Fey and Walkinshaw)

AN ACT Relating to expanding participation in college in the high school programs; and amending RCW 28A.600.290.

Referred to Committee on Early Learning & K-12 Education.

HB 1034 by Representatives Moeller, Appleton, Springer, Jinkins, Gregerson, Stanford, S. Hunt, Ormsby and Walkinshaw

AN ACT Relating to surname changes; amending RCW 9A.44.130; adding a new section to chapter 26.04 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

HB 1036 by Representatives Moeller, Appleton, Jinkins, Gregerson, Bergquist, Ormsby and Riccelli

AN ACT Relating to survivor benefits from the public employees' retirement system for survivors of members in registered domestic partnerships prior to December 2012; and amending RCW 41.40.188, 41.40.660, and 41.40.845.

Referred to Committee on Ways & Means.

HB 1047 by Representatives Goodman, Haler, Moscoso, Appleton, Klippert, Muri, Hurst, S. Hunt, Hayes, Orwall, Johnson, MacEwen and Gregerson

AN ACT Relating to the state agencies continuity of operations planning requirements; and amending RCW 38.52.010, 38.52.020, and 38.52.030.

Referred to Committee on Government Operations & Security.

SHB 1052 by House Committee on Higher Education (originally sponsored by Representatives Hayes, Fey, Klippert, Orwall, Appleton, Muri, MacEwen, Gregerson, Haler, Bergquist, Moeller, Riccelli and Magendanz)

AN ACT Relating to early registration at institutions of higher education for spouses or domestic partners of military members; and amending RCW 28B.15.624.

Referred to Committee on Higher Education.

HB 1065 by Representatives Kirby, Blake, Ryu, McBride and Stanford

AN ACT Relating to the insurer holding company act; amending RCW 48.31B.005, 48.31B.010, 48.31B.015, 48.31B.020, 48.31B.025, 48.31B.030, 48.31B.035, 48.31B.040, 48.31B.050, 48.31B.070, 42.56.400, 48.02.065, 48.13.061, 48.97.005, 48.125.140, 48.155.010, and 48.155.015; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.31B RCW; repealing RCW 48.31C.010, 48.31C.020, 48.31C.030, 48.31C.040, 48.31C.050, 48.31C.060, 48.31C.070, 48.31C.080, 48.31C.090, 48.31C.100, 48.31C.110, 48.31C.120, 48.31C.130, 48.31C.140, 48.31C.150, 48.31C.160, 48.31C.900, and 48.31C.901; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

SHB 1068 by House Committee on Public Safety (originally sponsored by Representatives Orwall, Kagi, Appleton, Gregerson, Reykdal, Carlyle, Stanford, Sawyer, Fitzgibbon, Jinkins, Cody, Hudgins, Senn, Clibborn, Moeller, Riccelli, Moscoso, Farrell and Fey)

AN ACT Relating to sexual assault examination kits; adding a new section to chapter 70.125 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

HB 1077 by Representatives Kirby, Ryu, McBride and Stanford

AN ACT Relating to credit for reinsurance; adding new sections to chapter 48.12 RCW; recodifying RCW 48.12.164 and 48.12.166; and repealing RCW 48.12.154, 48.12.156, 48.12.158, 48.12.160, 48.12.162, and 48.12.168.

Referred to Committee on Financial Institutions & Insurance.

EHB 1087 by Representatives Takko and Gregerson
AN ACT Relating to automated traffic safety cameras in school speed zones; and amending RCW 46.63.170.

Referred to Committee on Transportation.

SHB 1109 by House Committee on Appropriations (originally sponsored by Representatives Reykdal, Wilcox and Bergquist)

AN ACT Relating to membership in the teachers' retirement system for certificated employees of the superintendent of public instruction; amending RCW 41.32.010; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

HB 1113 by Representatives Appleton and Ormsby
AN ACT Relating to solemnizing marriages; and amending RCW 26.04.050.

Referred to Committee on Law & Justice.

SHB 1121 by House Committee on Education (originally sponsored by Representatives Parker, Santos, Riccelli, Bergquist, Gregerson, Magendanz, Ortiz-Self, Muri, Tarleton and Pollet)

AN ACT Relating to the financial education public-private partnership; amending RCW 28A.300.450, 28A.300.460, and 28A.655.070; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Early Learning & K-12 Education.

SHB 1138 by House Committee on Higher Education (originally sponsored by Representatives Orwall, Haler, Blake, Carlyle, Kochmar, Reykdal, Appleton, S. Hunt, Pollet, Tarleton, Ortiz-Self, Gregerson, Bergquist, Ormsby, Senn, Riccelli, Ryu, Tharinger, Walkinshaw and Fey)

AN ACT Relating to creating a task force on mental health and suicide prevention in higher education; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1139 by Representatives Orwall, Kochmar, Appleton, Tarleton, Ortiz-Self, Hayes, Zeiger, Gregerson, Bergquist, Ormsby, Senn, S. Hunt, Riccelli, Ryu, Fey and Santos

AN ACT Relating to establishing a work group to study human trafficking of youth issues; creating a new section; and providing an expiration date.

Referred to Committee on Law & Justice.

SHB 1149 by House Committee on Education (originally sponsored by Representatives Muri, Lytton, Appleton, Klippert, Hawkins, Kilduff, Gregerson, Magendanz and Fey)

AN ACT Relating to providing for educational data on students from military families; amending RCW 28A.300.505; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

HB 1172 by Representatives Stanford, Vick and Ryu
AN ACT Relating to the risk management and solvency assessment act; amending RCW 42.56.400; reenacting and amending RCW 42.56.400; adding a new chapter to Title 48 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 1222 by Representatives McBride, Griffey, Clibborn, Orcutt, Van De Wege, Fey, Takko, Young, Sawyer and Bergquist
AN ACT Relating to firefighting apparatus length and weight limits; and amending RCW 46.44.190.

Referred to Committee on Transportation.

SHB 1240 by House Committee on Education (originally sponsored by Representatives Pollet, Santos, S. Hunt, Orwall, Senn, Lytton, Robinson, Walsh, Griffey, Goodman, Buys and Tarleton)
AN ACT Relating to restraint or isolation of students, including students with disabilities, in public schools; amending RCW 28A.155.020 and 28A.600.485; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SHB 1252 by House Committee on Public Safety (originally sponsored by Representatives Wylie, Harris, Moeller, Jinkins, Vick and S. Hunt)
AN ACT Relating to penalties for allowing or permitting unlicensed practice of massage therapy or reflexology; adding a new section to chapter 18.108 RCW; and prescribing penalties.

Referred to Committee on Health Care.

SHB 1285 by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, G. Hunt, Van De Wege, Harris, Cody, Holy, Jinkins, Clibborn, Robinson, Walkinshaw, Peterson, Fitzgibbon, Ormsby, Bergquist, Tarleton, Farrell, Moeller, S. Hunt, Tharinger, Stanford and Gregerson)
AN ACT Relating to screening newborns for critical congenital heart disease; adding a new section to chapter 70.83 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1302 by Representatives Haler, Tarleton and Jinkins
AN ACT Relating to clarifying the applicability of child abduction statutes to residential provisions ordered by a court; amending RCW 9A.40.060 and 9A.40.070; creating a new section; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1308 by Representatives Vick, Kirby, Parker and Stanford
AN ACT Relating to surplus lines; and amending RCW 48.15.050 and 48.15.120.

Referred to Committee on Financial Institutions & Insurance.

SHB 1313 by House Committee on Local Government (originally sponsored by Representatives Zeiger, Fey, Stambaugh, Takko, Van De Wege, Stokesbary, Griffey and Reykdal)

AN ACT Relating to granting fire protection districts and regional fire protection service authorities biennial budget authority; amending RCW 52.16.030; and adding a new section to chapter 52.26 RCW.

Referred to Committee on Government Operations & Security.

SHB 1316 by House Committee on Judiciary (originally sponsored by Representatives Stambaugh, Jinkins, Nealey, Hurst, Kilduff, Reykdal, Wilson and Sawyer)

AN ACT Relating to violations of a temporary protection order; and amending RCW 26.50.110.

Referred to Committee on Law & Justice.

SHB 1369 by House Committee on Health Care & Wellness (originally sponsored by Representatives Riccelli, Schmick, Robinson, Parker, Holy, Haler, Tharinger, Cody and Ormsby)

AN ACT Relating to enabling student volunteers to provide health care services; amending RCW 18.57.040, 18.71.030, and 18.79.240; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.71 RCW; and adding a new section to chapter 18.79 RCW.

Referred to Committee on Health Care.

SHB 1382 by House Committee on Local Government (originally sponsored by Representatives Griffey, Blake, Lytton and G. Hunt)

AN ACT Relating to delivery of basic firefighter training and testing; and amending RCW 43.43.934.

Referred to Committee on Government Operations & Security.

SHB 1408 by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Magendanz, Sawyer, Santos, Senn, Robinson, Orwall, Tarleton, Bergquist and Gregerson)

AN ACT Relating to developing a definition and model for "family engagement coordinator" and other terms used interchangeably with it; creating a new section; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

EHB 1422 by Representatives Scott, Griffey and Condotta

AN ACT Relating to misrepresentation of the geographic location of floral product businesses; and amending RCW 19.160.030.

Referred to Committee on Commerce & Labor.

ESHB 1424 by House Committee on Health Care & Wellness (originally sponsored by Representatives Orwall, Kagi, Jinkins, Gregerson, Goodman, Santos, Fey and Sawyer)

AN ACT Relating to suicide prevention; and amending RCW 43.70.442.

Referred to Committee on Health Care.

SHB 1470 by House Committee on General Government & Information Technology (originally sponsored by Representatives Hudgins, Smith, Stanford, S. Hunt, Ormsby, McBride and Tarleton)

AN ACT Relating to establishing a blue-ribbon panel on cybersecurity; creating a new section; and providing an expiration date.

Referred to Committee on Government Operations & Security.

ESHB 1553 by House Committee on Public Safety (originally sponsored by Representatives Walkinshaw, MacEwen, Ryu, Appleton, Moscoso, Holy, Gregerson, Zeiger, Peterson, Farrell, Walsh, Reykdal, Orwall, Pettigrew, Tharinger, Fitzgibbon and Kagi)

AN ACT Relating to certificates of restoration of opportunity; amending RCW 7.60.035, 9.92.120, 10.97.030, 14.20.090, 18.04.295, 9.96A.020, 9.96A.050, 18.11.160, 18.20.125, 18.39.410, 18.44.241, 18.44.311, 18.52.071, 43.43.842, 18.64.165, 18.88B.080, 18.108.085, 18.130.055, 18.235.110, 18.145.120, 9.94A.030, 18.160.080, 18.165.030, 18.170.030, 18.185.020, 18.185.250, 18.130.160, and 43.20A.710; reenacting and amending RCW 18.130.050; adding a new chapter to Title 9 RCW; and creating new sections.

Referred to Committee on Law & Justice.

SHB 1570 by House Committee on Education (originally sponsored by Representatives Gregory, Bergquist, S. Hunt, Reykdal, Kilduff, Ortiz-Self and Pollet)

AN ACT Relating to creating flexibility for the educator retooling conditional scholarship program; and amending RCW 28A.660.045 and 28A.660.050.

Referred to Committee on Early Learning & K-12 Education.

SHB 1604 by House Committee on Labor (originally sponsored by Representatives Reykdal, Hayes, Sawyer, Van De Wege, Holy, Griffey, Riccelli, Fitzgibbon, Ormsby and Pollet)

AN ACT Relating to an occupational disease exposure reporting requirement for firefighters; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

SHB 1625 by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick and Wylie)

AN ACT Relating to the provision of drugs to ambulance and aid services; adding a new section to chapter 18.64 RCW; adding a new section to chapter 70.168 RCW; and providing an expiration date.

Referred to Committee on Health Care.

HB 1626 by Representative Schmick

AN ACT Relating to health benefit plan grace periods; amending RCW 48.43.039; and creating a new section.

Referred to Committee on Health Care.

EHB 1632 by Representatives Goodman, Klippert, Orwall, Hayes, Jinkins and Wylie

AN ACT Relating to domestic violence; amending RCW 9.94A.525, 9A.36.041, and 43.43.830; reenacting and amending RCW 9.94A.411; adding a new section to chapter 7.36 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

HB 1637 by Representatives Stokesbary, Hurst, Gregory, Zeiger, Rodne, Stambaugh, Magendanz, Kretz, Kochmar, Santos, Appleton, Sells, Van De Wege, Robinson, Ormsby, Fey, Dent and Jinkins

AN ACT Relating to authorizing law enforcement and prosecutorial officials of federally recognized Indian tribes access to prescription monitoring data; and amending RCW 70.225.040.

Referred to Committee on Health Care.

ESHB 1671 by House Committee on Health Care & Wellness (originally sponsored by Representatives Walkinshaw, Griffey, Cody, Smith, Peterson, Magendanz, Riccelli, Stanford, Appleton, Robinson, Tharinger and Jinkins)

AN ACT Relating to increasing access to opioid antagonists to prevent opioid-related overdose deaths; amending RCW 69.41.040 and 69.50.315; adding a new section to chapter 69.41 RCW; creating a new section; and repealing RCW 18.130.345.

Referred to Committee on Health Care.

HB 1672 by Representatives Kagi, Walsh, Wylie and Moscoso

AN ACT Relating to information related to reports of child abuse and neglect; and amending RCW 26.44.031.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1674 by Representatives Pettigrew, Walsh, Goodman, Walkinshaw, Kagi, Appleton, Reykdal, Moscoso, Ormsby, McBride and Jinkins

AN ACT Relating to allowing youthful offenders who complete their confinement terms prior to age twenty-one equal access to a full continuum of rehabilitative and reentry services; and amending RCW 9.94A.728 and 72.01.410.

Referred to Committee on Human Services, Mental Health & Housing.

HB 1706 by Representatives Stanford, Zeiger, Reykdal, Haler, Tarleton, Hayes, Sells, Stambaugh, Klippert, Smith and Gregerson

AN ACT Relating to authorizing waivers of building fees and services and activities fees for certain military service members; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SHB 1721 by House Committee on Health Care & Wellness (originally sponsored by Representatives Robinson, Schmick, Cody, Harris, Riccelli and Van De Wege)

AN ACT Relating to the transport of patients by ambulance to facilities other than hospitals; amending RCW 70.168.100

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and 18.71.210; reenacting and amending RCW 70.168.015; adding a new section to chapter 70.168 RCW; adding a new section to chapter 18.73 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 1779 by Representatives Van De Wege, Johnson, Harris, Jinkins and Tharinger

AN ACT Relating to requiring specialized training for persons conducting victim interviews as part of the disciplinary process for a health professional alleged to have committed sexual misconduct; and amending RCW 18.130.062.

Referred to Committee on Health Care.

HB 1820 by Representatives Reykdal, Zeiger, Senn, Haler, Riccelli, Bergquist, Kagi, Wilcox, Pollet, Walkinshaw, McBride, Stambaugh, Muri, Harmsworth, Springer, Stanford, Tharinger and Goodman

AN ACT Relating to requiring the department of social and health services to request all necessary exemptions and waivers from the federal government to allow students to use electronic benefit transfer cards at institutions of higher education; creating new sections; and providing a contingent expiration date.

Referred to Committee on Human Services, Mental Health & Housing.

SHB 1855 by House Committee on Education (originally sponsored by Representatives Caldier, Santos, Parker, Reykdal, Magendanz, Hayes, Young, Pollet and Tharinger)

AN ACT Relating to waiving local graduation requirements for certain students; and amending RCW 28A.320.192.

Referred to Committee on Early Learning & K-12 Education.

HB 1871 by Representatives Ryu and Vick

AN ACT Relating to credit unions' corporate governance and investments; and amending RCW 31.12.255, 31.12.365, 31.12.418, and 31.12.436.

Referred to Committee on Financial Institutions & Insurance.

SHB 1898 by House Committee on Judiciary (originally sponsored by Representatives Ortiz-Self, Johnson, Walkinshaw, Muri, Robinson, Pettigrew, Lytton and Kilduff)

AN ACT Relating to protection of child victims; amending RCW 43.101.270; adding a new section to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Law & Justice.

HB 1961 by Representatives Zeiger, Reykdal and Sells

AN ACT Relating to decodifying, expiring, and making nonsubstantive changes to community and technical college provisions; amending RCW 28B.15.546, 28B.50.1401, 28B.50.1402, 28B.50.1403, 28B.50.1404, 28B.50.1405, 28B.50.1406, 28B.50.256, 28B.50.285, 28B.50.327, 28B.50.482, 28B.50.534, 28B.10.025, 28B.10.280, 28B.10.570, 28B.10.571, 28B.10.650, 28B.10.679, 28B.15.012, 28B.15.014, 28B.15.025, 28B.15.041, 28B.15.067, 28B.15.069, 28B.15.100, 28B.15.385,

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28B.15.395, 28B.15.520, 28B.15.522, 28B.15.543, 28B.15.545, 28B.15.558, 28B.15.621, 28B.15.740, 28B.15.910, 28B.15.915, 28B.50.030, 28B.50.455, 28B.50.850, 28B.50.851, and 28B.50.862; reenacting and amending RCW 28B.15.515; adding a new section to chapter 28B.04 RCW; adding a new section to chapter 28B.06 RCW; decodifying RCW 28B.56.010, 28B.56.020, 28B.56.040, 28B.56.050, 28B.56.070, 28B.56.080, 28B.56.090, 28B.56.100, 28B.56.110, 28B.56.120, 28B.57.010, 28B.57.020, 28B.57.030, 28B.57.040, 28B.57.060, 28B.57.070, 28B.57.080, 28B.57.090, 28B.57.100, 28B.58.010, 28B.58.020, 28B.58.030, 28B.58.040, 28B.58.050, 28B.58.060, 28B.58.070, 28B.58.080, 28B.58.090, 28B.59.010, 28B.59.020, 28B.59.030, 28B.59.040, 28B.59.050, 28B.59.060, 28B.59.070, 28B.59.080, 28B.59.090, 28B.59B.010, 28B.59B.020, 28B.59B.030, 28B.59B.040, 28B.59B.050, 28B.59B.060, 28B.59B.070, 28B.59B.080, 28B.59B.090, 28B.59C.010, 28B.59C.020, 28B.59C.030, 28B.59C.040, 28B.59C.050, 28B.59C.060, 28B.59C.070, 28B.59C.080, 28B.59D.010, 28B.59D.020, 28B.59D.030, 28B.59D.040, 28B.59D.050, 28B.59D.060, 28B.59D.070, 28B.50.301, 28B.50.302, 28B.50.914, 28B.50.915, and 28B.50.917; and providing expiration dates.

Referred to Committee on Higher Education.

HB 1987 by Representatives Kochmar and Sells

AN ACT Relating to adding certain commissioned court marshals of county sheriff's offices to the definition of uniformed personnel for the purposes of public employees' collective bargaining; and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

SHB 2160 by House Committee on Judiciary (originally sponsored by Representatives Wylie, Orwall, Klippert and Buys)

AN ACT Relating to the distribution of intimate images; adding a new section to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Law & Justice.

MOTION

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

MOTION

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

MOTION

Senator Cleveland moved that Kathryn Bennett, Gubernatorial Appointment No. 9011, be confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

Senator Cleveland spoke in favor of the motion.

MOTION

On motion of Senator Fain, Senator Baumgartner was excused.

MOTION

On motion of Senator Habib, Senator Frockt was excused.

APPOINTMENT OF KATHRYN BENNETT

The President declared the question before the Senate to be the confirmation of Kathryn Bennett, Gubernatorial Appointment No. 9011, as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Kathryn Bennett, Gubernatorial Appointment No. 9011, as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Absent: Senator Hewitt

Excused: Senators Baumgartner and Frockt

Kathryn Bennett, Gubernatorial Appointment No. 9011, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

MOTION

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

SECOND READING

SENATE BILL NO. 5203, by Senators Warnick, Hasegawa and Keiser

Modifying certain job order contracting requirements.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick 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. 5203.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5203 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib,

Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Absent: Senator Hewitt

Excused: Senator Frockt

SENATE BILL NO. 5203, 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 Rivers, Senator Hewitt was excused.

SECOND READING

SENATE BILL NO. 5137, by Senators Hatfield, Pearson, Hobbs, Chase, Conway, Roach, McAuliffe, O'Ban and Mullet

Providing a complimentary discover pass to veterans with a one hundred percent service-connected disability.

The measure was read the second time.

MOTION

On motion of Senator Hatfield, the rules were suspended, Senate Bill No. 5137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Pearson 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. 5137.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5137 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Hewitt

SENATE BILL NO. 5137, 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. 5529, by Senators Warnick, Rivers, Schoesler, Honeyford, Parlette, Becker and King

Transferring a railroad right-of-way to the Port of Royal Slope.

MOTIONS

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On motion of Senator Warnick, Substitute Senate Bill No. 5529 was substituted for Senate Bill No. 5529 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Liias 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. 5529.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Padden

Excused: Senators Frockt and Hewitt

SUBSTITUTE SENATE BILL NO. 5529, 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. 5654, by Senators Dansel and Benton

Concerning partial payment of current and delinquent taxes to the county treasurer.

The measure was read the second time.

MOTION

On motion of Senator Dansel, the rules were suspended, Senate Bill No. 5654 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dansel and Liias 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. 5654.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5654 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson,

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Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Hewitt

SENATE BILL NO. 5654, 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. 5819, by Senator Miloscia

Modifying the definition of legislative authority for purposes of local tourism promotion areas.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Senate Bill No. 5819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Miloscia spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5819.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Hewitt

SENATE BILL NO. 5819, 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. 5227, by Senators Baumgartner, O'Ban, Dammeier and Fain

Creating the international commercial arbitration act.

The measure was read the second time.

MOTION

On motion of Senator Baumgartner, the rules were suspended, Senate Bill No. 5227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5227.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Dammeier, Danel, Darneille, Fain, Habib, Hargrove, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Chase, Cleveland, Conway, Ericksen, Fraser, Hasegawa, Hatfield, McAuliffe, McCoy and Parlette

Excused: Senators Frockt and Hewitt

SENATE BILL NO. 5227, 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. 5122, by Senators Kohl-Welles, Frockt, Liias, Bailey and McAuliffe

Concerning precollege placement measures.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Bailey 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. 5122.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5122 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SENATE BILL NO. 5122, 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. 5824, by Senator Parlette

Concerning certain recreational guides.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5824 was substituted for Senate Bill No. 5824 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5824 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Hatfield 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. 5824.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5824 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5824, 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. 5783, by Senators Rivers, Danel, Fain, Sheldon, Hatfield and Benton

Authorizing peace officers to assist the department of corrections with the supervision of offenders.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5783 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers and Benton 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. 5783.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5783 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe,

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McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SENATE BILL NO. 5783, 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. 5600, by Senators Dammeier, Keiser, Darneille and Kohl-Welles

Modifying certain definitions concerning the abuse of vulnerable adults.

MOTIONS

On motion of Senator Dammeier, Substitute Senate Bill No. 5600 was substituted for Senate Bill No. 5600 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Substitute Senate Bill No. 5600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dammeier 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. 5600.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5600 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5600, 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. 5692, by Senators Hargrove and Darneille

Addressing permanency plans of care for dependent children.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove 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. 5692.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5692 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SENATE BILL NO. 5692, 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. 5416, by Senators King and Benton

Concerning service fees on vessel-related transactions.

The measure was read the second time.

MOTION

Senator King moved that the following amendment by Senator King be adopted:

On page 3, line 29, after "RCW 88.02.515 and "strike "RCW 46.17.040" and insert "RCW 88.02.650"

Senators King and Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator King on page 3, line 29 to Engrossed Senate Bill No. 5416.

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

MOTION

On motion of Senator King, the rules were suspended, Engrossed Senate Bill No. 5416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5416.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5416 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove,

Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Becker

Excused: Senator Frockt

ENGROSSED SENATE BILL NO. 5416, 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. 5311, by Senators Rolfes, O'Ban, Frockt, Darneille, Keiser, McCoy, Kohl-Welles, Hasegawa and Jayapal

Requiring crisis intervention training for peace officers.

MOTIONS

On motion of Senator Rolfes, Second Substitute Senate Bill No. 5311 was substituted for Senate Bill No. 5311 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Rolfes, the rules were suspended, Second Substitute Senate Bill No. 5311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5311.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5311 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SECOND SUBSTITUTE SENATE BILL NO. 5311, 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. 5587, by Senators Becker and Kohl-Welles

Authorizing funding and expenditures for the hosting of the annual conference of the national association of state treasurers.

The measure was read the second time.

MOTION

On motion of Senator Becker, the rules were suspended, Senate Bill No. 5587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Becker 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. 5587.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5587 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SENATE BILL NO. 5587, 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. 5650, by Senators Padden, Darneille, Pearson and Kohl-Welles

Modifying provisions governing inmate funds subject to deductions.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5650 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5650.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5650 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes and Warnick

Voting nay: Senators Schoesler and Sheldon

Excused: Senator Frockt

SENATE BILL NO. 5650, 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.

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SECOND READING

SENATE BILL NO. 5524, by Senators Sheldon, Rivers, Parlette, Angel, Bailey, Becker, Warnick, Honeyford, Brown, Dammeier and Conway

Enhancing the employment of persons with disabilities.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following amendment by Senators Sheldon and Fraser be adopted:

On page 1, beginning on line 5, strike all of section 1 and insert the following:

“NEW SECTION. Sec. 1 The legislature finds that eleven percent of working age adults and thirteen percent of the state’s total population consists of persons with disabilities, that persons with disabilities suffer significantly higher rates of unemployment and underemployment than in the general population, and that representation of disabled persons in the state workforce has declined in recent years, but has increased during the last year. The legislature further finds that there is no policy similar to Schedule A in the federal civil service system for priority hiring of persons with disabilities. Therefore, the legislature intends to increase the hiring of persons with disabilities in the state workplace.”

Senator Sheldon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Sheldon and Fraser on page 1, line 5 to Senate Bill No. 5524.

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

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Senate Bill No. 5524 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Sheldon, Lias and Habib spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5524.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5524 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O’Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

ENGROSSED SENATE BILL NO. 5524, 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. 5645, by Senators Parlette, Cleveland, O’Ban and Darneille

Concerning data reporting concerning the collection of data when a psychiatric patient meets detention criteria and no evaluation and treatment bed is available.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5645 was substituted for Senate Bill No. 5645 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5645 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Darneille 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. 5645.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5645 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O’Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5645, 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. 5960, by Senator Dansel

Requiring the department of fish and wildlife to update the 2011 wolf conservation and management plan to ensure the establishment of a self-sustaining population of gray wolves while also ensuring social tolerance of wolf recovery.

MOTIONS

On motion of Senator Dansel, Substitute Senate Bill No. 5960 was substituted for Senate Bill No. 5960 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dansel, the rules were suspended, Substitute Senate Bill No. 5960 was advanced to third reading,

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

Senators Dansel and Hatfield 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. 5960.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5960 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, King, Litzow, McAuliffe, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Fraser, Habib, Keiser, Kohl-Welles, Liias, McCoy, Nelson, Pedersen and Rolfes

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5960, 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. 5307, by Senators O'Ban, Ranker and Dammeier

Concerning deficit reimbursement agreements with counties owning and operating ferry systems.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5307 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SENATE BILL NO. 5307, 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. 5799, by Senators Fain and Keiser

Exempting levies imposed by qualifying flood control zone districts from certain limitations upon regular property tax levies.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5799 was substituted for Senate Bill No. 5799 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fain, the rules were suspended, Substitute Senate Bill No. 5799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain 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. 5799.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5799 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pedersen, Ranker, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Pearson and Rivers

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5799, 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. 5877, by Senators O'Ban, Angel, Padden, Pearson, Rivers, Warnick and Darneille

Concerning due process for adult family home licensees.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5877 was substituted for Senate Bill No. 5877 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5877 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5877.

ROLL CALL

FIFTY SECOND DAY, MARCH 4, 2015

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5877 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5877, 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. 5717, by Senators Angel, Mullet and Keiser

Amending the insurer holding company act.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5717 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

SENATE BILL NO. 5717, 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 Habib, Senator Ranker was excused.

SECOND READING

SENATE BILL NO. 5881, by Senators Pearson, Chase and Hasegawa

Providing a group fishing permit for certain programs for at-risk youth.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Senate Bill No. 5881 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5881.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5881 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Frockt and Ranker

SENATE BILL NO. 5881, 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. 5693, by Senators Miloscia, Darneille, Fraser and O'Ban

Authorizing the department of social and health services special commitment center to seek eligibility and reimbursement for health care costs covered by federal medicare, medicaid, and veterans health benefits.

The measure was read the second time.

MOTION

On motion of Senator Miloscia, the rules were suspended, Senate Bill No. 5693 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Miloscia and Darneille 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. 5693.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5693 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Padden

Excused: Senator Frockt

SENATE BILL NO. 5693, 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. 5705, by Senators Ericksen, Sheldon, Pearson, Becker, Bailey, Warnick and Padden

Establishing a mineral prospecting and mining advisory committee.

MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 5705 was substituted for Senate Bill No. 5705 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 5705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen, Hatfield, Parlette, Pearson and Becker spoke in favor of passage of the bill.

Senators Fraser and Chase spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5705.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, King, Kohl-Welles, Litzow, McAuliffe, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Chase, Cleveland, Fraser, Jayapal, Keiser, Liias, McCoy and Rolfes

Excused: Senator Frockt

SUBSTITUTE SENATE BILL NO. 5705, 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. 5658, by Senators Dansel and Kohl-Welles

Concerning the role of parties in cases related to certain notices and records.

The measure was read the second time.

MOTION

On motion of Senator Dansel, the rules were suspended, Senate Bill No. 5658 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dansel 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. 5658.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5658 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Hasegawa

Excused: Senator Frockt

SENATE BILL NO. 5658, 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. 5647, by Senators Conway, Dansel and Fraser

Allowing counties to create guardianship courthouse facilitator programs.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, Senate Bill No. 5647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway and O'Ban 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. 5647.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5647 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Frockt

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SENATE BILL NO. 5647, 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 Billig, Senator Ranker was excused.

SECOND READING

SENATE BILL NO. 5120, by Senator Parlette

Concerning school district dissolutions.

The measure was read the second time.

MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 5120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Rolfes 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. 5120.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5120 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Chase, Hasegawa, Jayapal and McAuliffe

Excused: Senators Frockt and Ranker

SENATE BILL NO. 5120, 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.

Senator Fraser announced a meeting of the Senate Democratic Caucus at 12:30 p.m. and requested those members bring the regular calendar.

Senator Parlette announced a meeting of the Majority Coalition Caucus also at 12:30 p.m. and requested those members bring the regular calendars dated Wednesday, March 4 and Tuesday, March 3.

MOTION

At 12:04 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:56 p.m. by President Owen.

MOTION

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

MOTION

Senator Nelson moved adoption of the following resolution:

SENATE RESOLUTION
8630

By Senators Nelson, Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, and Warnick

WHEREAS, Today we join with the people of the State of Washington and throughout our nation to honor the 50th anniversary of the historic march led by Reverend Dr. Martin Luther King, Jr. and his courageous followers in Selma, Alabama; and

WHEREAS, In 1965, only two percent of Selma's eligible black voters were able to register as a result of efforts to prevent voter registration; and

WHEREAS, On February 18, 1965, white segregationists attacked a group of peaceful demonstrators and killed Jimmie Lee Jackson, a young black demonstrator, and in response to Jackson's death, Dr. King and his followers made three attempts to march from Selma to Montgomery, 54 miles away; and

WHEREAS, The first march took place on March 7, 1965, without Dr. King, and was met with violent resistance from Alabama authorities who subjected 600 defenseless marchers to attacks from whips, nightsticks, and tear gas; and

WHEREAS, After a second attempt to march was blocked by Alabama authorities, President Lyndon B. Johnson pledged his support for the marchers, and lobbied for passage of new voting rights laws in Congress; and

WHEREAS, Nearly 2,000 people set out on a third march from Selma on March 21, 1965, protected by the United States Army and the Alabama National Guard, and after walking for 12 hours a day, the group arrived in Montgomery on March 25, 1965, and were met by 50,000 black and white supporters; and

WHEREAS, These historic marches raised awareness of the difficulties faced by African Americans in the South; and

WHEREAS, The Voting Rights Act passed through Congress as a direct result of the marches in Selma, and remains one of the most impactful pieces of civil rights legislation in American history; and

WHEREAS, The marches led by Dr. King were a landmark achievement of the 1960's Civil Rights Movement, and another prominent example of Dr. King achieving change by nonviolent means;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 50th anniversary of the final march in Selma; and

BE IT FURTHER RESOLVED, That the Washington State Senate, on behalf of the people of our state, recognize the importance of the marches at Selma, and reflect on the blood and tears shed to secure civil rights and freedoms for every American.

Senators Nelson, Dammeier, Chase, Conway and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8630.

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

MOTION

Senator Lias moved that the senate advance to the ninth order of business.

Senator Lias spoke in favor of the motion.

Senator Lias demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Lias that the senate advance to the ninth order of business.

The Secretary called the roll on the motion by Senator Lias to advance to the ninth order of business and the motion failed by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hobbs, Jayapal, Keiser, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hewitt, Hill, Honeyford, King, Litzow, Miloscia, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Dammeier moved that Damien J. Pattenau, Gubernatorial Appointment No. 9133, be confirmed as a member of the Professional Educators Standards Board.

Senator Dammeier spoke in favor of the motion.

APPOINTMENT OF DAMIEN J. PATTENAUDE

The President declared the question before the Senate to be the confirmation of Damien J. Pattenau, Gubernatorial Appointment No. 9133, as a member of the Professional Educators Standards Board.

The Secretary called the roll on the confirmation of Damien J. Pattenau, Gubernatorial Appointment No. 9133, as a member of the Professional Educators Standards Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Damien J. Pattenau, Gubernatorial Appointment No. 9133, having received the constitutional majority was declared confirmed as a member of the Professional Educators Standards Board.

PERSONAL PRIVILEGE

Senator Dammeier: "I really appreciated the fact that Senator Roach, my good colleague from the Thirty-first, reminded us that William R. King, who was the original namesake of the most populous county in the state of Washington, served as a Vice President. Does the President happen to recall whom he served under, Mr. President?"

REPLY BY THE PRESIDENT

President Owen: "He served under the President."

PERSONAL PRIVILEGE

Senator Dammeier: "You are correct, as always Mr. President but he served under another namesake for another very well-known county in Washington State and that would be the fourteenth President, Franklin Pierce. Thank you Mr. President."

MOTION

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

PERSONAL PRIVILEGE

Senator Chase: "I wanted to make sure that my colleague understood Mr. King died in Selma, Alabama. Thank you Mr. President."

[EDITOR'S NOTE: By special act of Congress, unable to attend the March 4 inauguration William Rufus King was sworn in as Vice President of the U.S. on March 24, 1853 in Matanzas, Cuba where he had gone for his health. He set sail for Mobile, Alabama on April 6 and died at his home near Selma on April 18, 1853 at the age of 67 having served less than two months as Vice President.]

SECOND READING

SENATE BILL NO. 5269, by Senators O'Ban, Darneille, Rolfes, Dansel, Miloscia, Pearson, Bailey, Padden, Becker, Frockt, Habib and Pedersen

Concerning court review of detention decisions under the involuntary treatment act.

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MOTION

On motion of Senator O'Ban, Second Substitute Senate Bill No. 5269 was substituted for Senate Bill No. 5269 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following striking amendment by Senators O'Ban and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.05 RCW to read as follows:

(1) An immediate family member, guardian, or conservator of a person may petition superior court for review of a designated mental health professional's decision not to (a) detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153; or (b) take action within forty-eight hours of a request for investigation being submitted to the designated mental health professional.

(2) The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired including a declaration from a mental health professional, describing why the person should be detained for evaluation and treatment. The petition must be submitted on forms developed by the courts for this purpose. The petition must contain the following information:

(a) A description of the relationship between the petitioner and the person;

(b) The date on which an investigation was requested from the designated mental health professional; and

(c) An optional declaration from a mental health professional familiar with the person who is the subject of the petition describing the declarant's qualifications and offering a professional opinion in support of initial detention with reference to legal criteria under this chapter.

(3) Following the filing of the petition and before the court's decision, any person may submit a declaration to the court in support of or in opposition to initial detention.

(4) The court shall review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition and accompanying information to the designated mental health professional agency with an order for the agency to provide the court and the petitioner with a written sworn statement providing a detailed description of the designated mental health professional's investigation and the basis for the decision not to seek initial detention within one business day. The court must issue a final ruling on the petition within five business days after it is filed. The court shall dismiss the petition at any time if it finds that the person has been detained for evaluation and treatment or that the person has voluntarily accepted appropriate treatment.

(5) If, after reviewing all the information provided to the court, the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily; the court may enter an order for initial detention.

(6) If the court enters an order for initial detention, it shall provide the order to the designated mental health professional agency, which shall execute the order without delay. The designated mental health professional may notify a peace officer to take the person or cause the person to be taken into custody and placed in an evaluation and treatment facility. At the time the

person is taken into custody there must commence to be served on the person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention. Subsequent procedure must be followed as if the person had been detained under RCW 71.05.150. An order for initial detention under this section must expire within one hundred eighty days.

(7) All filings and records relating to a petition under this section must be held by the court under seal with no public access. The court shall transmit its final decision to the petitioner when it is made.

(8) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

(1) The department and each regional support network or agency employing designated mental health professionals shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under section 1 of this act.

(2) A designated mental health professional or designated mental health professional agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under section 1 of this act. If the person is not detained within forty-eight hours, the designated mental health professional or designated mental health professional agency must inform the immediate family member, guardian, or conservator about the process to petition for court review under section 1 of this act.

Sec. 3. RCW 71.05.130 and 1998 c 297 s 7 are each amended to read as follows:

In any judicial proceeding for involuntary commitment or detention except under section 1 of this act, or in any proceeding challenging such commitment or detention, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention and shall defend all challenges to such commitment or detention (~~(- PROVIDED)~~), except that the attorney general shall represent and provide legal services and advice to state hospitals or institutions with regard to all provisions of and proceedings under this chapter ((except in)) other than proceedings initiated by such hospitals and institutions seeking fourteen day detention.

Sec. 4. RCW 71.05.160 and 2007 c 375 s 13 are each amended to read as follows:

Any facility receiving a person pursuant to RCW 71.05.150 or 71.05.153 shall require the designated mental health professional to prepare a petition for initial detention stating the circumstances under which the person's condition was made known and stating that there is evidence, as a result of his or her personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm, or that he or she is gravely disabled, and stating the specific facts known to him or her as a result of his or her personal observation or investigation, upon which he or she bases the belief that such person should be detained for the purposes and under the authority of this chapter. If the detention was ordered pursuant to section 1 of this act, the designated mental health professional shall prepare a petition attaching the court's order for initial detention and a copy of the information submitted by the petitioner and designated mental health professional to the court,

and otherwise follow normal procedures as if the person were detained under RCW 71.05.150.

If a person is involuntarily placed in an evaluation and treatment facility pursuant to RCW 71.05.150 ((~~or~~)) 71.05.153, or section 1 of this act, on the next judicial day following the initial detention, the designated mental health professional shall file with the court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2015, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 6. This act may be known and cited as Joel's law."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators O'Ban and Darneille to Second Substitute Senate Bill No. 5269.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 71.05.130 and 71.05.160; adding new sections to chapter 71.05 RCW; and creating new sections."

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban, Hargrove and Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5269.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5269 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, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Chase, Hasegawa and McAuliffe

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5269, 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. 5889, by Senators O'Ban and Miloscia

Concerning timeliness of competency evaluation and restoration services.

MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 5889 was substituted for Senate Bill No. 5889 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 5889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

MOTION

On motion of Senator Nelson, Senators Conway and Keiser were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5889.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5889 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5889, 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. 5649, by Senators Darneille, Miloscia, Fraser, Keiser, Parlette, Benton, McCoy and Dammeier

Concerning involuntary outpatient mental health treatment.

MOTION

On motion of Senator Darneille, Second Substitute Senate Bill No. 5649 was substituted for Senate Bill No. 5649 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Darneille moved that the following striking amendment by Senators Darneille and O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"PART I: INITIAL DETENTION

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Sec. 101. RCW 71.05.010 and 1998 c 297 s 2 are each amended to read as follows:

(1) The provisions of this chapter are intended by the legislature:

~~((1))~~ (a) To protect the health and safety of persons suffering from mental disorders and to protect public safety through use of the parens patriae and police powers of the state;

~~(b)~~ To prevent inappropriate, indefinite commitment of mentally disordered persons and to eliminate legal disabilities that arise from such commitment;

~~((2))~~ (c) To provide prompt evaluation and timely and appropriate treatment of persons with serious mental disorders;

~~((3))~~ (d) To safeguard individual rights;

~~((4))~~ (e) To provide continuity of care for persons with serious mental disorders;

~~((5))~~ (f) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures; and

~~((6))~~ (g) To encourage, whenever appropriate, that services be provided within the community;

~~(7) To protect the public safety).~~

(2) When construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d 259, 281 (2002). A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of individuals as well as public safety may be implicated by the decision to release an individual and discontinue his or her treatment.

NEW SECTION. Sec. 102. A new section is added to chapter 71.05 RCW to read as follows:

(1) The department may use a single bed certification process to provide additional treatment capacity for a person suffering from a mental disorder for whom an evaluation and treatment bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies. Appropriate settings for single bed certifications may include, but are not limited to, any of the following settings where the facility is willing and able to provide timely and appropriate treatment to the person:

(a) A hospital with or without a psychiatric unit;

(b) A psychiatric hospital;

(c) A hospital that is willing and able to provide timely and appropriate mental health treatment or medical treatment to a person with a co-occurring mental disorder and medical condition such that it prevents transfer to an evaluation and treatment facility or state hospital; or

(d) A residential treatment facility.

(2) A single bed certification must be specific to the patient receiving treatment.

(3) A designated mental health professional who submits an application for a single bed certification for treatment at a facility which is willing and able to provide timely and appropriate mental health treatment, or medical treatment to an individual with a co-occurring mental disorder and medical condition, in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The department may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

NEW SECTION. Sec. 103. A new section is added to chapter 71.05 RCW to read as follows:

(1) A designated mental health professional shall make a report to the department when he or she determines a person meets detention criteria under RCW 71.05.150, 71.05.153, 71.34.700, or 71.34.710 and there are not any beds available at an evaluation and treatment facility, the person has not been provisionally accepted for admission by a facility, and the person cannot be served on a single bed certification or less restrictive alternative. Starting at the time when the designated mental health professional determines a person meets detention criteria and the investigation has been completed, the designated mental health professional has twenty-four hours to submit a completed report to the department.

(2) The report required under subsection (1) of this section must contain at a minimum:

(a) The date and time that the investigation was completed;

(b) The identity of the responsible regional support network or behavioral health organization;

(c) The county in which the person met detention criteria;

(d) A list of facilities which refused to admit the person; and

(e) Identifying information for the person, including age or date of birth.

(3) The department shall develop a standardized reporting form or modify the current form used for single bed certifications for the report required under subsection (2) of this section and may require additional reporting elements as it determines are necessary or supportive. The department shall also determine the method for the transmission of the completed report from the designated mental health professional to the department.

(4) The department shall create quarterly reports displayed on its web site that summarize the information reported under subsection (2) of this section. At a minimum, the reports must display data by county and by month. The reports must also include the number of single bed certifications granted by category. The categories must include all of the reasons that the department recognizes for issuing a single bed certification, as identified in rule.

(5) The reports provided according to this section may not display "protected health information" as that term is used in the federal health insurance portability and accountability act of 1996, nor information contained in "mental health treatment records" as that term is used in chapter 70.02 RCW or elsewhere in state law, and must otherwise be compliant with state and federal privacy laws.

(6) For purposes of this section, the term "single bed certification" means a situation in which an adult on a seventy-two hour detention, fourteen-day commitment, ninety-day commitment, or one hundred eighty-day commitment is detained to a facility that is:

(a) Not certified as an inpatient evaluation and treatment facility; or

(b) A certified inpatient evaluation and treatment facility that is already at capacity.

NEW SECTION. Sec. 104. A new section is added to chapter 71.05 RCW to read as follows:

(1) Submission of a report as provided in section 103 of this act constitutes prima facie evidence that the responsible regional support network or behavioral health organization is in breach of its duty under RCW 71.24.300(6)(b) and 43.20A.894(1)(d) to provide for adequate network of evaluation and treatment services within its regional service area.

(2) The department shall promptly share reports it receives under section 103 of this act with the responsible regional support network or behavioral health organization. The regional support network or behavioral health organization receiving this notification must attempt to engage the person in appropriate services for which the person is eligible and report back within seven days to the department.

(3) The department shall track and analyze reports submitted under section 103 of this act. The department must initiate corrective action when appropriate to ensure that each regional support network or behavioral health organization has implemented an adequate plan to provide evaluation and treatment services. Corrective actions may include remedies under RCW 71.24.330 and 43.20A.894, including requiring expenditure of reserve funds. An adequate plan may include development of less restrictive alternatives to involuntary commitment such as crisis triage, crisis diversion, voluntary treatment, or prevention programs reasonably calculated to reduce demand for evaluation and treatment under this chapter.

Sec. 105. RCW 71.05.050 and 2000 c 94 s 3 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment or possible discharge, at which time they shall again be advised of their right to discharge upon request ~~(: PROVIDED HOWEVER, That)~~.

(2) If the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests discharge as presenting, as a result of a mental disorder, an imminent likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the ~~((county))~~ designated mental health professional of such person's condition to enable the ~~((county))~~ designated mental health professional to authorize such person being further held in custody or transported to an evaluation and treatment center pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day ~~(: PROVIDED FURTHER, That)~~.

(3) If a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a mental disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the ~~((county))~~ designated mental health professional of such person's condition to enable the ~~((county))~~ designated mental health professional to authorize such person being further held in custody or transported to an evaluation treatment center pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff ~~((determine that an evaluation by))~~ notify the ~~((county))~~ designated mental health professional ~~((is necessary))~~ of the need for evaluation, not counting time periods prior to medical clearance.

(4) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this

section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

Sec. 106. RCW 71.05.153 and 2011 c 305 s 8 and 2011 c 148 s 2 are each reenacted and amended to read as follows:

(1) When a designated mental health professional receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated mental health professional may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department of a local hospital under the following circumstances:

(a) Pursuant to subsection (1) of this section; or

(b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

(3) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, or triage facility that has elected to operate as an involuntary facility by peace officers pursuant to subsection (2) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(4) Within three hours ~~((of))~~ after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of ~~((arrival))~~ notice of the need for evaluation, not counting time periods prior to medical clearance, the designated mental health professional must determine whether the individual meets detention criteria. If the individual is detained, the designated mental health professional shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(5) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

Sec. 107. RCW 71.05.210 and 2009 c 217 s 1 are each amended to read as follows:

Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility (1) shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by (a) a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW and a mental health professional, (b) an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, or (c) a licensed physician and a psychiatric advanced registered nurse practitioner and (2) shall receive such treatment and care as his or her condition requires

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including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.340, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (a) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (b) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the mental health professional and licensed physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the person would be better served by placement in a chemical dependency treatment facility, then the person shall be referred to an approved treatment program defined under RCW 70.96A.020.

An evaluation and treatment center admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 108. RCW 71.24.035 and 2014 c 225 s 11 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, tribal, and licensed service provider participation in developing the state mental health program, developing contracts with behavioral health organizations, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the behavioral health organization if the behavioral health organization fails to meet state minimum standards or refuses to exercise responsibilities under its contract or RCW 71.24.045, until such time as a new behavioral health organization is designated.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental illness;

(b) Assure that any behavioral health organization or county community mental health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Inpatient services, an adequate network of evaluation and treatment services and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards which shall be used in contracting with behavioral health organizations. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements of behavioral health organizations and licensed service providers. The audit procedure shall focus on the outcomes of service as provided in RCW 43.20A.895, 70.320.020, and 71.36.025;

(g) Develop and maintain an information system to be used by the state and behavioral health organizations that includes a tracking method which allows the department and behavioral health organizations to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

(h) License service providers who meet state minimum standards;

(i) Periodically monitor the compliance of behavioral health organizations and their network of licensed service providers for compliance with the contract between the department, the behavioral health organization, and federal and state rules at reasonable times and in a reasonable manner;

(j) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(k) Monitor and audit behavioral health organizations and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(l) Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

(m) License or certify crisis stabilization units that meet state minimum standards;

(n) License or certify clubhouses that meet state minimum standards; and

(o) License or certify triage facilities that meet state minimum standards.

(6) The secretary shall use available resources only for behavioral health organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025, integration of behavioral health and medical

services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health organization and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A behavioral health organization or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the behavioral health organization contractual remedies in RCW 43.20A.894 or may have its service provider certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any behavioral health organization or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health organization((s-~~organization~~)) or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health organization or service provider without a contract, certification, or a license under this chapter.

(12) The standards for certification or licensure of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification or licensure of crisis stabilization units shall include standards that:

(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

(14) The standards for certification or licensure of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to

this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(15) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(16) The secretary shall assume all duties assigned to the nonparticipating behavioral health organizations under chapters 71.05 and 71.34 RCW and this chapter. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating behavioral health organizations.

The behavioral health organizations, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.34 RCW and this chapter, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(17) The secretary shall:

(a) Disburse funds for the behavioral health organizations within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with behavioral health organizations. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify behavioral health organizations of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to behavioral health organizations based solely upon formal findings of noncompliance with the terms of the behavioral health organization's contract with the department. Behavioral health organizations disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the behavioral health organizations.

(18) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 109. RCW 71.24.300 and 2008 c 261 s 4 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

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(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary.

(4) If a regional support network is a private entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network.

(5) The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(6) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each regional support network evaluation and treatment services for at least ninety percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks may contract to purchase evaluation and treatment services from other networks if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.

(d) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as ~~((defined))~~ described in RCW 71.24.035, and mental health services to children.

(e) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(7) A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the persons with mental illness and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State

agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(8) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the regional support network, and work with the regional support network to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding regional support network performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the regional support network, county elected officials. Composition and length of terms of board members may differ between regional support networks but shall be included in each regional support network's contract and approved by the secretary.

(9) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(10) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (6) of this section.

Sec. 110. RCW 71.24.300 and 2014 c 225 s 39 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a behavioral health organization the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the behavioral health organization.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under behavioral health organizations by rule, except to assure that all duties required of behavioral health organizations are assigned and that counties and the behavioral health organization do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the behavioral health organization's contract with the secretary.

(4) If a behavioral health organization is a private entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the behavioral health organization.

(5) The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(6) Behavioral health organizations shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each behavioral health organization evaluation and treatment services for at least ninety percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Behavioral health organizations may contract to purchase evaluation and treatment services from other organizations if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each behavioral health organization. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.

(d) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as described in RCW 71.24.035, and mental health services to children.

(e) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(7) A behavioral health organization may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the persons with mental illness and which is within the boundaries of a behavioral health organization be made available to support the operations of the behavioral health organization. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(8) Each behavioral health organization shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the behavioral health organization, and work with the behavioral health organization to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding behavioral health organization performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the behavioral health organization, county elected officials. Composition and length of terms of board members may differ between behavioral health organizations but shall be included in each behavioral health organization's contract and approved by the secretary.

(9) Behavioral health organizations shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(10) Behavioral health organizations may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be

fully integrated with the behavioral health organization six-year operating and capital plan, timeline, and budget required by subsection (6) of this section.

NEW SECTION. Sec. 111. A new section is added to chapter 71.24 RCW to read as follows:

The department must collaborate with regional support networks or behavioral health organizations and the Washington state institute for public policy to estimate the capacity needs for evaluation and treatment services within each regional service area. Estimated capacity needs shall include consideration of the average occupancy rates needed to provide an adequate network of evaluation and treatment services to ensure access to treatment. A regional service network or behavioral health organization must develop and maintain an adequate plan to provide for evaluation and treatment needs.

NEW SECTION. Sec. 112. A new section is added to chapter 71.34 RCW to read as follows:

(1) The department may use a single bed certification process to provide additional treatment capacity for a minor suffering from a mental disorder for whom an evaluation and treatment bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies. Appropriate settings for single bed certifications may include, but are not limited to, any of the following settings where the facility is willing and able to provide timely and appropriate treatment to the person:

(a) A hospital with or without a psychiatric unit;

(b) A psychiatric hospital;

(c) A hospital that is willing and able to provide timely and appropriate mental health treatment or medical treatment to a minor with a co-occurring mental disorder and medical condition such that it prevents transfer to an evaluation and treatment facility or state hospital; or

(d) A residential treatment facility.

(2) A single bed certification must be specific to the minor receiving treatment.

(3) A designated mental health professional who submits an application for a single bed certification for treatment at a facility which is willing and able to provide timely and appropriate mental health treatment, or medical treatment to an individual with a co-occurring mental disorder and medical condition, in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The department may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

PART II: ASSISTED OUTPATIENT TREATMENT

Sec. 201. RCW 71.05.020 and 2011 c 148 s 1 and 2011 c 89 s 14 are each reenacted and amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

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(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020((4)) (5);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under section 102 of this act. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe

deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(23) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(24) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health service providers under RCW 71.05.130;

(25) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(26) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(28) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community mental health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, and correctional facilities operated by state and local governments;

(29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(31) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(32) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(34) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(35) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(36) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(37) "Release" means legal termination of the commitment under the provisions of this chapter;

(38) "Resource management services" has the meaning given in chapter 71.24 RCW;

(39) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(40) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(41) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(42) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(43) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(44) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

(45) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property;

(46) "In need of assisted outpatient treatment" means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) in view of the person's treatment history or current behavior, the person is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive treatment; and (c) outpatient treatment that would be provided under a less restrictive treatment order is necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

(47) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated mental health professional.

Sec. 202. RCW 71.05.020 and 2014 c 225 s 79 are each reenacted and amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

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(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the behavioral health organization to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020~~((4))~~ (5);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under section 102 of this act. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(23) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(24) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health service providers under RCW 71.05.130;

(25) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person

upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(26) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(28) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community mental health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, and correctional facilities operated by state and local governments;

(29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(31) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(32) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(34) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(35) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(36) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(37) "Release" means legal termination of the commitment under the provisions of this chapter;

(38) "Resource management services" has the meaning given in chapter 71.24 RCW;

(39) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(40) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(41) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(42) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(43) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(44) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(45) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property;

(46) "In need of assisted outpatient treatment" means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) in view of the person's treatment history or current behavior, the person is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive treatment; and (c) outpatient treatment that would be provided under a less restrictive treatment order is necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

(47) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated mental health professional.

Sec. 203. RCW 71.05.150 and 2011 c 148 s 5 are each amended to read as follows:

(1)(a) When a designated mental health professional receives information alleging that a person, as a result of a mental

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disorder: (i) Presents a likelihood of serious harm; ~~((or))~~ (ii) is gravely disabled; or (iii) is in need of assisted outpatient treatment; the designated mental health professional may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or outpatient evaluation, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention or outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient treatment, the petition may only be for outpatient evaluation. If the petition is for assisted outpatient treatment, and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.

(b) Before filing the petition, the designated mental health professional must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, or triage facility.

(2)(a) An order to detain to a designated evaluation and treatment facility for not more than a seventy-two-hour evaluation and treatment period, or for an outpatient evaluation, may be issued by a judge of the superior court upon request of a designated mental health professional, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention or outpatient evaluation, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated mental health professional shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention or outpatient evaluation. After service on such person the designated mental health professional shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility and the designated attorney. The designated mental health professional shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated mental health professional may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator,

if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 204. RCW 71.05.156 and 2013 c 334 s 2 are each amended to read as follows:

A designated mental health professional who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention, and determine whether the person is in need of assisted outpatient treatment.

Sec. 205. RCW 71.05.212 and 2010 c 280 s 2 are each amended to read as follows:

(1) Whenever a designated mental health professional or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated mental health professional relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated mental health professional or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated mental health professional or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

Sec. 206. RCW 71.05.230 and 2011 c 343 s 9 are each amended to read as follows:

A person detained or committed for seventy-two hour evaluation and treatment may be ~~((detained))~~ committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder and ~~((either))~~ results in a likelihood of serious harm, ~~((or))~~ results in the ~~((detained))~~ person being gravely disabled, or results in the

person being in need of assisted outpatient treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the designated mental health professional has filed a petition for fourteen day involuntary detention or a ninety day less restrictive alternative with the court. The petition must be signed either by:

(a) Two physicians;

(b) One physician and a mental health professional;

(c) Two psychiatric advanced registered nurse practitioners;

(d) One psychiatric advanced registered nurse practitioner and a mental health professional; or

(e) A physician and a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, ~~((or))~~ is gravely disabled, or is in need of assisted outpatient treatment, and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

Sec. 207. RCW 71.05.240 and 2009 c 293 s 4 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person as determined in RCW 71.05.180. If requested by the detained person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) The court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230

will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3) At the conclusion of the probable cause hearing(~~(-if the court finds by a preponderance of the evidence that))~~);

(a) If the court finds by a preponderance of the evidence that such person, as the result of mental disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department. If the court finds that such person, as the result of a mental disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment for not to exceed ninety days;

(b) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder, is in need of assisted outpatient treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive course of treatment not to exceed ninety days, and may not order inpatient treatment.

(4) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. The court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 208. RCW 71.05.245 and 2010 c 280 s 3 are each amended to read as follows:

(1) In making a determination of whether a person is gravely disabled ~~((or))~~, presents a likelihood of serious harm, or is in need of assisted outpatient treatment in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient treatment, when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: (a) A recent history of one or more violent acts; or (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

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For the purposes of this subsection "recent" refers to the period of time not exceeding three years prior to the current hearing.

Sec. 209. RCW 71.05.280 and 2013 c 289 s 4 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be confined for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled; or

(5) Such person is in need of assisted outpatient treatment.

Sec. 210. RCW 71.05.320 and 2013 c 289 s 5 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the grounds set forth in RCW 71.05.280(5) provide the only basis for commitment, the court must order an appropriate less restrictive course of treatment not to exceed ninety days, and may not order inpatient treatment.

(3) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or

professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

~~(4) ((For a person committed under subsection (2) of this section who has been remanded to a period of less restrictive treatment, in addition to the grounds specified in subsection (3) of this section, the designated mental health professional may file a new petition for continued less restrictive treatment if:~~

~~(a) The person was previously committed by a court to detention for involuntary mental health treatment during the thirty six months that preceded the person's initial detention date during the current involuntary commitment cycle, excluding any time spent in a mental health facility or in confinement as a result of a criminal conviction;~~

~~(b) In view of the person's treatment history or current behavior, the person is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive treatment; and~~

~~(c) Outpatient treatment that would be provided under a less restrictive treatment order is necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.~~

~~(5))~~ A new petition for involuntary treatment filed under subsection (3) ~~((or (4))~~) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is

shown for a change of venue. The cost of the proceedings shall be borne by the state.

~~((6))~~ (5) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. If the court's order is based solely on the grounds identified in subsection (3)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days, and may not enter an order for inpatient treatment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. However, a commitment solely on the grounds identified in subsection (3)(e) of this section is not permissible under subsection ~~((4))~~ (3) of this section if: (i) Thirty-six months have passed since the last date of discharge from detention for inpatient treatment that preceded the current less restrictive alternative order, ~~((nor shall a commitment under subsection (4) of this section be permissible if))~~ or (ii) the likelihood of serious harm ~~((in subsection (4)(e) of this section))~~ as described in RCW 71.05.020(46)(c) is based solely on harm to the property of others.

~~((7))~~ (6) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

PART III: MISCELLANEOUS

NEW SECTION. Sec. 301. If specific funding for the purposes of sections 201 through 210 of this act, referencing this act by bill or chapter number, is not provided by June 30, 2015, in the omnibus appropriations act, sections 201 through 210 of this act are null and void.

NEW SECTION. Sec. 302. Sections 109 and 201 of this act expire April 1, 2016.

NEW SECTION. Sec. 303. Sections 110 and 202 of this act take effect April 1, 2016.

NEW SECTION. Sec. 304. Sections 101 through 109, 111, and 112 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Darneille and O'Ban to Second Substitute Senate Bill No. 5649.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the involuntary treatment act; amending RCW 71.05.010, 71.05.050, 71.05.210, 71.24.035, 71.24.300, 71.24.300, 71.05.020, 71.05.150, 71.05.156, 71.05.212, 71.05.230, 71.05.240, 71.05.245, 71.05.280, and 71.05.320; reenacting and amending RCW 71.05.153 and

71.05.020; adding new sections to chapter 71.05 RCW; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.34 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and O'Ban spoke in favor of passage of the bill.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5649.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5649 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, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Chase, Hasegawa and McAuliffe

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649, 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. 5177, by Senators O'Ban and Darneille

Improving timeliness of competency evaluation and restoration services.

MOTION

On motion of Senator O'Ban, Second Substitute Senate Bill No. 5177 was substituted for Senate Bill No. 5177 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following striking amendment by Senators O'Ban and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there are currently no alternatives to competency restoration provided in the state hospitals. Subject to the availability of amounts appropriated for this specific purpose, the legislature encourages

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the department of social and health services to develop, on a phased-in basis, alternative locations and increased access to competency restoration services under chapter 10.77 RCW for individuals who do not require in-patient psychiatric hospitalization level services.

Sec. 2. RCW 10.77.084 and 2012 c 256 s 5 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent to stand trial, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section.

(b) The court may order a defendant who has been found to be incompetent to stand trial to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of ((the mental health treatment and) each competency restoration period((- if any-)) or at any time a professional person determines competency has been, or is unlikely to be, restored, the facility shall return the defendant ((shall be returned)) to court for a hearing((-)), except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration period, the parties may agree to waive the defendant's presence ((or)) to remote participation by the defendant at a hearing, or to presentation of an agreed order ((if the recommendation of the evaluator is for the continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to expiration of the defendant's authorized period of commitment, in which case)) in lieu of a hearing. The ((department)) facility shall promptly notify the court and all parties of the date ((of the defendant's admission and expiration of commitment)) on which the competency restoration period commences and expires so that a timely hearing date may be scheduled.

(c) If, ((after)) following notice and hearing((-)) or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection ((shall be lifted)). If the court finds that competency has not been restored, the court shall dismiss the proceedings ((shall be dismissed)) without prejudice((- If the court concludes that competency has not been restored, but)), except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, ((the court may order that treatment for purposes of competency restoration be continued. Such treatment may not extend beyond the combination of time provided for in)) and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

((or)) (d) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the court shall dismiss the proceedings ((shall be dismissed)) without prejudice and refer the defendant ((shall be evaluated)) for civil commitment evaluation or proceedings if appropriate under RCW 10.77.065, 10.77.086, or 10.77.088.

(2) If the defendant is referred for evaluation by a designated mental health professional under this chapter, the designated mental health professional shall provide prompt written notification of the results of the evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

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(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

Sec. 3. RCW 10.77.086 and 2013 c 289 s 2 are each amended to read as follows:

(1)(a)(i) If the defendant is charged with a felony and determined to be incompetent, until he or she has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, ((or has been determined unlikely to regain competency pursuant to RCW 10.77.084(1)(b-)) but in any event for a period of no longer than ninety days, the court:

((or)) (A) Shall commit the defendant to the custody of the secretary who shall place such defendant in an appropriate facility of the department for evaluation and treatment; or

((or)) (B) May alternatively order the defendant to undergo evaluation and treatment at some other facility as determined by the department, or under the guidance and control of a professional person. The facilities may include community mental health providers or other local facilities that contract with the department and are willing and able to provide treatment under this section. During the 2015-2017 fiscal biennium, the department may contract with one or more cities or counties to provide competency restoration services in a city or county jail if the city or county jail is willing and able to serve as a location for competency restoration services and if the secretary determines that there is an emergent need for beds and documents the justification, including a plan to address the emergency. Patients receiving competency restoration services in a city or county jail must be physically separated from other populations at the jail, must interact only with treatment staff and not jail staff, and must be provided as much as possible with a therapeutic environment.

(ii) The ninety day period for evaluation and treatment under this subsection (1) includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(b) For a defendant whose highest charge is a class C felony, or a class B felony that is not classified as violent under RCW 9.94A.030, the maximum time allowed for the initial period of commitment for competency restoration is forty-five days. The forty-five day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(c) If the court determines that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo restoration treatment, in which case the court shall order that the defendant

be referred for evaluation for civil commitment in the manner provided in subsection (4) of this section.

(2) On or before expiration of the initial period of commitment under subsection (1) of this section the court shall conduct a hearing, at which it shall determine whether or not the defendant is incompetent.

(3) If the court finds by a preponderance of the evidence that a defendant charged with a felony is incompetent, the court shall have the option of extending the order of commitment or alternative treatment for an additional period of ninety days, but the court must at the time of extension set a date for a prompt hearing to determine the defendant's competency before the expiration of the second restoration period. The defendant, the defendant's attorney, or the prosecutor has the right to demand that the hearing be before a jury. No extension shall be ordered for a second or third restoration period as provided in subsection (4) of this section if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension. The ninety-day period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

(4) For persons charged with a felony, at the hearing upon the expiration of the second restoration period or at the end of the first restoration period, in the case of a defendant with a developmental disability, if the jury or court finds that the defendant is incompetent, the charges shall be dismissed without prejudice, and the court shall order the defendant be committed to a state hospital as defined in RCW 72.23.010 for up to seventy-two hours starting from admission to the facility, excluding Saturdays, Sundays, and holidays, for evaluation for the purpose of filing a civil commitment petition under chapter 71.05 RCW. The criminal charges shall not be dismissed if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months. The six-month period includes only the time the defendant is actually at the facility and is in addition to reasonable time for transport to or from the facility.

Sec. 4. RCW 10.77.088 and 2007 c 375 s 5 are each amended to read as follows:

(1)(a) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court (~~shall order the secretary to place the defendant~~):

(i) (~~At a secure mental health facility in the custody of the department or an agency designated by the department for mental health treatment and restoration of competency.~~) Shall commit the defendant to the custody of the secretary who shall place such defendant in an appropriate facility of the department for evaluation and treatment;

(ii) May alternatively order the defendant to undergo evaluation and treatment at some other facility as determined by the department, or under the guidance and control of a professional person. The facilities may include community mental health providers or other local facilities that contract with the department and are willing and able to provide treatment under this section. During the 2015-2017 fiscal biennium, the department may contract with one or more cities or counties to provide competency restoration services in a city or county jail if the city or county jail is willing and able to serve as a location for

competency restoration services and if the secretary determines that there is an emergent need for beds and documents the justification, including a plan to address the emergency. Patients receiving competency restoration services in a city or county jail must be physically separated from other populations at the jail, must interact only with treatment staff and not jail staff, and must be provided as much as possible with a therapeutic environment. The placement under (a)(i) and (ii) of this subsection shall not exceed fourteen days in addition to any unused time of the evaluation under RCW 10.77.060. The court shall compute this total period and include its computation in the order. The fourteen-day period plus any unused time of the evaluation under RCW 10.77.060 shall be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility;

~~((#)))~~ (iii) May alternatively order that the defendant be placed on conditional release for up to ninety days for mental health treatment and restoration of competency; or

~~((###)))~~ (iv) May order any combination of this subsection.

(b) If the court has determined that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in (c) of this subsection.

(c)(i) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated mental health professional within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(ii) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The seventy-two-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the seventy-two-hour period.

(2) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092:

The court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated mental health professional to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least twenty-four hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

Sec. 5. RCW 10.77.091 and 2010 c 263 s 2 are each amended to read as follows:

(1) If the secretary determines in writing that a person committed to the custody of the secretary for treatment as criminally insane presents an unreasonable safety risk which, based on behavior, clinical history, and facility security is not manageable in a state hospital setting, the secretary may place the person in any secure facility operated by the secretary or the secretary of the department of corrections. Any person affected by this provision shall receive appropriate mental health treatment governed by a formalized treatment plan targeted at mental health rehabilitation needs and shall be afforded his or her rights under RCW 10.77.140, 10.77.150, and 10.77.200. The secretary of the department of social and health services shall retain legal custody of any person placed under this section and review any placement outside of a department mental health hospital every three months, or sooner if warranted by the

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person's mental health status, to determine if the placement remains appropriate.

(2) Beginning December 1, 2010, and every six months thereafter, the secretary shall report to the governor and the appropriate committees of the legislature regarding the use of the authority under this section to transfer persons to a secure facility. The report shall include information related to the number of persons who have been placed in a secure facility operated by the secretary or the secretary of the department of corrections, and the length of time that each such person has been in the secure facility.

~~((3) This section expires June 30, 2015.)~~

Sec. 6. RCW 10.77.220 and 1982 c 112 s 3 are each amended to read as follows:

No person who is criminally insane confined pursuant to this chapter shall be incarcerated in a state correctional institution or facility ~~((: PROVIDED, That nothing herein shall prohibit))~~. This section does not apply to confinement in a mental health facility located wholly within a correctional institution. Confinement of a person who is criminally insane in a county jail or other local facility while awaiting either placement in a treatment program or a court hearing pursuant to this chapter is permitted for no more than seven days.

NEW SECTION. Sec. 7. A new section is added to chapter 10.77 RCW to read as follows:

(1) If the defendant is charged with a nonfelony offense, and the issue of competency to stand trial is raised by the court or a party under RCW 10.77.060, the prosecutor may continue with the competency process or dismiss the charges without prejudice and refer the defendant for assessment by a mental health professional, chemical dependency professional, or developmental disabilities professional to determine the appropriate service needs for the defendant.

(2) This section does not apply to defendants with a current charge or prior conviction for a serious violent offense or sex offense as defined in RCW 9.94A.030.

NEW SECTION. Sec. 8. A new section is added to chapter 10.77 RCW to read as follows:

(1) In order to prioritize goals of accuracy, prompt service to the court, quality assurance, and integration with other services, an office of forensic mental health services is established within the department of social and health services. The office shall be led by a director on at least the level of deputy assistant secretary within the department who shall, after a reasonable period of transition, have responsibility for the following functions:

(a) Operational control of all forensic evaluation services, including specific budget allocation;

(b) Responsibility for training forensic evaluators;

(c) Development of a system to certify forensic evaluators, and to monitor the quality of forensic evaluation reports;

(d) Liaison with courts, jails, and community mental health programs to ensure proper flow of information, coordinate logistical issues, and solve problems in complex circumstances;

(e) Coordination with state hospitals to identify and develop best practice interventions and curricula for services that are unique to forensic patients;

(f) Promotion of congruence across state hospitals where appropriate, and promotion of interventions that flow smoothly into community interventions;

(g) Coordination with regional support networks, behavioral health organizations, community mental health agencies, and the department of corrections regarding community treatment and monitoring of persons on conditional release;

(h) Oversight of forensic data collection and analysis statewide, and appropriate dissemination of data trends and recommendations; and

(i) Oversight of the development, implementation, and maintenance of community forensic programs and services.

(2) The office of forensic mental health services must have a clearly delineated budget separate from the overall budget for state hospital services.

Sec. 9. RCW 71.05.235 and 2008 c 213 s 5 are each amended to read as follows:

(1) If an individual is referred to a designated mental health professional under RCW 10.77.088(1)~~((b))~~ (c)(i), the designated mental health professional shall examine the individual within forty-eight hours. If the designated mental health professional determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated mental health professional not later than the next judicial day. At the hearing the superior court shall review the determination of the designated mental health professional and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088(1)~~((b))~~ (c)(ii), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under chapter 71.05 RCW. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.088(1)~~((b))~~ (c)(ii), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

(3) If a designated mental health professional or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

(4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).

Sec. 10. RCW 10.77.065 and 2014 c 10 s 3 are each amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated mental health professional, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated mental health professional.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and an involuntary medication order by the court has not been entered.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the regional support network, a professional person at the regional support network to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated under (a)(iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)(f), the person should be evaluated by a designated mental health professional under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated mental health professional shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated mental health professional under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086(4) or 10.77.088(1)(~~(b)~~) (c)(ii) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to release. The notice may be given by electronic mail, facsimile, or other means reasonably likely to communicate the information immediately.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

Sec. 11. RCW 10.77.065 and 2014 c 225 s 59 and 2014 c 10 s 3 are each reenacted and amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated mental health professional, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated mental health professional.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses

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to cooperate with medication and an involuntary medication order by the court has not been entered.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the behavioral health organization, a professional person at the behavioral health organization to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated under (a)(iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)(f), the person should be evaluated by a designated mental health professional under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated mental health professional shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated mental health professional under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086(4) or 10.77.088(1)(~~(b))~~) (c)(ii) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to release. The notice may be given by electronic mail, facsimile, or other means reasonably likely to communicate the information immediately.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

NEW SECTION. Sec. 12. 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. 13. Section 10 of this act expires April 1, 2016.

NEW SECTION. Sec. 14. Section 11 of this act takes effect April 1, 2016."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators O'Ban and Darneille to Second Substitute Senate Bill No. 5177.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "improving timeliness of competency evaluation and restoration services; amending RCW

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10.77.084, 10.77.086, 10.77.088, 10.77.091, 10.77.220, 71.05.235, and 10.77.065; reenacting and amending RCW 10.77.065; adding new sections to chapter 10.77 RCW; creating a new section; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5177 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5177.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5177 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Liias, Litzow, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Conway, Hasegawa, Jayapal, Kohl-Welles and McAuliffe

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5177, 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. 5820, by Senators King and Benton

Concerning the sale of certain department of transportation surplus property.

MOTIONS

On motion of Senator King, Substitute Senate Bill No. 5820 was substituted for Senate Bill No. 5820 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King, Darneille and Hobbs 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. 5820.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5820 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5820, 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. 5355, by Senators Bailey, Kohl-Welles, Roach, Conway, Braun, Baumgartner, Rolfes, O'Ban, McAuliffe and Chase

Modifying the definition of resident student to comply with federal requirements established by the veterans access, choice, and accountability act of 2014.

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 5355 was substituted for Senate Bill No. 5355 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey 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. 5355.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5355 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5355, 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. 5262, by Senators O'Ban, Pedersen, Darneille, Dammeier and Honeyford

Releasing juvenile case records to the Washington state office of civil legal aid.

The measure was read the second time.

MOTION

Senator Padden moved that the following amendment by Senator Padden be adopted:

On page 4, line 11, after "shall" insert "designate a custodian of records within the office to exclusively receive and maintain the records provided in this section. The designated custodian of records shall"

Senator Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Padden on page 4, line 11 to Senate Bill No. 5262.

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

MOTION

On motion of Senator O'Ban, the rules were suspended, Engrossed Senate Bill No. 5262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5262.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5262 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

ENGROSSED SENATE BILL NO. 5262, 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. 5324, by Senators Hobbs, Fain, King, Liias, Angel and Honeyford

Concerning the distribution and use of aircraft excise taxes. Revised for 1st Substitute: Modifying the distribution and use of aircraft excise taxes.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5324 was substituted for Senate Bill No. 5324 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5324 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Hobbs and King spoke in favor of passage of the bill.

SECOND READING

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5324.

SENATE BILL NO. 5760, by Senators Brown, Sheldon, Keiser and Dinsel

ROLL CALL

Concerning contracts for materials or work required by joint operating agencies.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5324 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

The measure was read the second time.

MOTION

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5760.

ROLL CALL

SECOND READING

SENATE BILL NO. 5941, by Senators Rivers, Rolfes, Litzow, Dammeier and Angel

The Secretary called the roll on the final passage of Senate Bill No. 5760 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Concerning certification of adjunct faculty as common school substitute teachers.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

The measure was read the second time.

SENATE BILL NO. 5760, 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 Rivers, the rules were suspended, Senate Bill No. 5941 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

SENATE BILL NO. 5458, by Senators Angel, Rolfes and Hasegawa

Concerning health district banking.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5941.

The measure was read the second time.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Senate Bill No. 5941 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dinsel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Senator Angel and Frockt spoke in favor of passage of the bill.

Voting nay: Senator Liias

SENATE BILL NO. 5941, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5458.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5458 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SENATE BILL NO. 5458, 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 Mullet, Senator Ranker was excused.

SECOND READING

SENATE BILL NO. 5763, by Senators Warnick, Pearson and Hatfield

Addressing the public employees' collective bargaining act as applied to commissioned officers of the department of fish and wildlife. Revised for 1st Substitute: Establishing a coalition of commissioned officers of the department of fish and wildlife for the purposes of collective bargaining.

MOTIONS

On motion of Senator Warnick, Substitute Senate Bill No. 5763 was substituted for Senate Bill No. 5763 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Warnick, the rules were suspended, Substitute Senate Bill No. 5763 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Sheldon 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. 5763.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5763 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Baumgartner, Dansel, Ericksen and Fraser

Excused: Senator Ranker

SUBSTITUTE SENATE BILL NO. 5763, 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. 5221, by Senators Benton and Roach

Concerning the disposition of tenant property placed upon the nearest public property.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5221 was substituted for Senate Bill No. 5221 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5221.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5221 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5221, 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. 5104, by Senator Padden

Concerning the possession or use of alcohol and controlled substances in sentencing provisions.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5104 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow,

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McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

chance to read her book, it's very entertaining because of all the stories and all the people she knew and the great memories that we'll have of her as well because she was one of a kind."

SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

PERSONAL PRIVILEGE

Senator Padden: "I just wanted to call the chamber's attention to the passing of Adele Ferguson and most of you probably don't remember her although there are a few that do. She was a pioneer newspaper woman that covered the legislature back in the 80s and 90s when I was in the other body. She was noted as being pretty tough lady but she also was a prodigious writer of articles about the legislature not only in the Bremerton Sun but also she ended up, later, having columns in weekly newspapers throughout the state of Washington. A lady that I certainly enjoyed visiting with and extremely knowledgeable but she didn't suffer fools very well. Everybody sometimes could be subject to some of her columns but I really enjoyed her and I'm sorry to hear of her passing."

Senator Rolfes: "Thank you Mr. President. I'm a lot younger than the rest of these people and Ms. Ferguson died last night at the age of 90. She was 81 when I first ran for the state legislature and I think she covered me once in a salty way. But what I really wanted to call to the attention of the body was less about her political history which I didn't share, unlike others, but the fact that she was absolutely a pioneer. A woman who worked in a world of men and made it easier for other women to follow and a woman who encouraged other women to go into politics. You know, they don't make them like they used to and I know she leaves behind a really loving family still in our Kitsap County area and a great legacy. Thank you."

SECOND READING

SENATE BILL NO. 5504, by Senators Hewitt and Hasegawa

Allowing additional liquor distributor employees to stock liquor under certain circumstances.

The measure was read the second time.

MOTION

Senator Conway moved that the following amendment by Senators Conway and Hewitt be adopted:

On page 1, line 17, after "premises" insert ", except between 11:00 p.m. and 4:00 a.m.,"

Senator Conway spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Conway and Hewitt on page 1, line 17 to Senate Bill No. 5504.

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

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Senate Bill No. 5504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt, Hargrove and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5504.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5504 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dassel, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Lias, Litzow, McCoy,

PERSONAL PRIVILEGE

Senator Hargrove: "Well along with Senator Padden, I had the privilege of having Adele Ferguson write about me a few times and like, I think the best way to think about her is: She was a tough 'ol bird. She really, really, really knew her stuff and if you had an interview with her she would get it correct. But also there were a few times where maybe some of the information she initially received was maybe a little off but she'd come and talk to you and then she'd make sure that she had a story that was good and accurate. We really appreciated her tough pushing us in some places but also making sure that in fact that she was just an absolute quality journalist that I wish we had today. So, I'm also rising to bemoan the fact that she is no longer with us."

PERSONAL PRIVILEGE

Senator Angel: "This is really sad news. I'm devastated to here this. This wonderful lady covered me eight years as a County Commissioner. She never said anything really good but she never said anything bad and with Adele you always considered that a compliment. She will be very, very, very missed. The way she covered, with the integrity and, yes, the accuracy. She will be missed. Thank you."

PERSONAL PRIVILEGE

Senator Sheldon: "Thank you Mr. President. I also wanted to rise and remember Adele. You always said *Ay-del* not *Uh-del* or you were admonished. Everybody knew in that Bremerton area that you had to [Cellular phone buzzes] ... turn your phone off. [Groans] You had to get to know Adele is you were running for office. Mr. President, you were in that district and I knew you knew Adele very well. So, I went in to her office in the Sun. Very small office and everything was piled vertically so on her desk - was worse than Hargrove's desk. It was this high, with papers here and there and, of course, she had a manual typewriter, then she could type as she talked which was disconcerting. But now, 'Mr. Sheldon, why are you running for office and what do you think you can bring to Olympia?' Well, 'Nothing.' She was a person of great humor, very salty language but she could get to heart of an issue. She was very much respected and if you have a

Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Darneille, McAuliffe and Pearson

ENGROSSED SENATE BILL NO. 5504, 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. 5977, by Senators Bailey, Kohl-Welles and McAuliffe

Decodifying, expiring, and making nonsubstantive changes to community and technical college provisions.

The measure was read the second time.

MOTION

On motion of Senator Bailey, the rules were suspended, Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey and Kohl-Welles 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. 5977.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5977 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SENATE BILL NO. 5977, 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. 5027, by Senators Angel, Darneille, Dammeier, Keiser, Parlette, Cleveland, Bailey and Chase

Providing access to the prescription drug monitoring database for clinical laboratories.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 5027 was substituted for Senate Bill No. 5027 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 5027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Frockt 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. 5027.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5027 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

SUBSTITUTE SENATE BILL NO. 5027, 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. 5154, by Senator Hargrove

Concerning registered sex or kidnapping offenders.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5154 was substituted for Senate Bill No. 5154 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove 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. 5154.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5154 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, Benton, Billig, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Braun

SUBSTITUTE SENATE BILL NO. 5154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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SENATE BILL NO. 5673, by Senators Padden, Kohl-Welles, Roach, Miloscia, Pearson and Darneille

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Concerning the distribution of synthetic cannabinoids and bath salts.

MOTION

At 5:22 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The measure was read the second time.

MOTION

EVENING SESSION

The Senate was called to order at 6:16 p.m. by President Owen.

Senator Padden moved that the following striking amendment by Senator Padden be adopted:

Strike everything after the enacting clause and insert the following:

SECOND READING

SENATE BILL NO. 5757, by Senators Benton and Mullet

Addressing credit unions' corporate governance and investments.

"NEW SECTION. Sec. 1. A new section is added to chapter 19.86 RCW to read as follows:

The measure was read the second time.

(1) It is a violation of RCW 19.86.020 for any person or entity to distribute, dispense, manufacture, display for sale, offer for sale, attempt to sell, or sell to a purchaser any product that contains any amount of any synthetic cannabinoid, cathinone, or methcathinone as identified in RCW 69.50.204(e) (3) and (5).

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5757 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

(2) "Synthetic cannabinoid" includes any chemical compound identified in RCW 69.50.204(c)(30) or by the pharmacy quality assurance commission under RCW 69.50.201.

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

Sec. 2. RCW 69.50.204 and 2010 c 177 s 2 are each amended to read as follows:

The President declared the question before the Senate to be the final passage of Senate Bill No. 5757.

Unless specifically excepted by state or federal law or regulation or more specifically included in another schedule, the following controlled substances are listed in Schedule I:

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5757 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 3; Excused, 0.

(a) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

Voting nay: Senators Braun, Hewitt and Parlette

(2) Acetylmethadol;

Absent: Senators Ericksen, Lias and Nelson

(3) Allylprodine;

SENATE BILL NO. 5757, 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.

(4) Alphacetylmethadol, except levo-alpha-cetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

MOTION

On motion of Senator Habib, Senators Lias and Nelson were excused.

(5) Alphameprodine;

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

(6) Alphamethadol;

SECOND READING

(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide);

(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

(9) Benzethidine;

(10) Betacetylmethadol;

(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

(12) Beta-hydroxy-3-methylfentanyl, some trade or other names:

N-[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;

(13) Betameprodine;

(14) Betamethadol;

(15) Betaprodine;

(16) Clonitazene;

(17) Dextromoramide;

(18) Diampromide;

(19) Diethylthiambutene;

- (20) Difenoxin;
 (21) Dimenoxadol;
 (22) Dimepheptanol;
 (23) Dimethylthiambutene;
 (24) Dioxaphetyl butyrate;
 (25) Dipipanone;
 (26) Ethylmethylthiambutene;
 (27) Etonitazene;
 (28) Etoxadine;
 (29) Furethidine;
 (30) Hydroxypethidine;
 (31) Ketobemidone;
 (32) Levomoramide;
 (33) Levophenacymorphan;
 (34) 3-Methylfentanyl
 (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylprop
 anamide);
 (35) 3-Methylthiofentanyl
 (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropan
 amide);
 (36) Morpheridine;
 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
 (38) Noracymethadol;
 (39) Norlevorphanol;
 (40) Normethadone;
 (41) Norpipanone;
 (42) Para-fluorofentanyl
 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]
 propanamide);
 (43) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
 (44) Phenadoxone;
 (45) Phenampromide;
 (46) Phenomorphan;
 (47) Phenoperidine;
 (48) Piritramide;
 (49) Proheptazine;
 (50) Properidine;
 (51) Propiram;
 (52) Racemoramide;
 (53) Thiofentanyl
 (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
 (54) Tilidine;
 (55) Trimeperidine.
- (b) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (1) Acetorphine;
 (2) Acetyldihydrocodeine;
 (3) Benzylmorphine;
 (4) Codeine methylbromide;
 (5) Codeine-N-Oxide;
 (6) Cyprenorphine;
 (7) Desomorphine;
 (8) Dihydromorphine;
 (9) Drotebanol;
 (10) Etorphine, except hydrochloride salt;
 (11) Heroin;
 (12) Hydromorphanol;
 (13) Methyl-desorphine;
 (14) Methyl-dihydromorphine;
 (15) Morphine methylbromide;
 (16) Morphine methylsulfonate;
 (17) Morphine-N-Oxide;

- (18) Myrophine;
 (19) Nicocodeine;
 (20) Nicomorphine;
 (21) Normorphine;
 (22) Pholcodine;
 (23) Thebacon.
- (c) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation. For the purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers:
- (1) Alpha-ethyltryptamine: Some trade or other names: Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; a-ET; and AET;
 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;
 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, nexus;
 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;
 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);
 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name: 2C-T-7;
 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine, PMA;
 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and "STP";
 (10) 3,4-methylenedioxy amphetamine;
 (11) 3,4-methylenedioxy-methamphetamine (MDMA);
 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;
 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy MDA;
 (14) 3,4,5-trimethoxy amphetamine;
 (15) Alpha-methyltryptamine: Other name: AMT;
 (16) Bufotenine: Some trade or other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
 (17) Diethyltryptamine: Some trade or other names: N,N-Diethyltryptamine; DET;
 (18) Dimethyltryptamine: Some trade or other names: DMT;
 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name: 5-MeO-DIPT;
 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyridine (1',2' 1,2) azepino (5,4-b) indole; Tabernanthe iboga;
 (21) Lysergic acid diethylamide;
 (22) Marihuana or marijuana;
 (23) Mescaline;
 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl;

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(25) Peyote, meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812 (c), Schedule I (c)(12));

(26) N-ethyl-3-piperidyl benzilate;

(27) N-methyl-3-piperidyl benzilate;

(28) Psilocybin;

(29) Psilocyn;

(30) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, species, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

(i) 1 - cis - or trans tetrahydrocannabinol, and their optical isomers, excluding tetrahydrocannabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration;

(ii) 6 - cis - or trans tetrahydrocannabinol, and their optical isomers;

(iii) 3,4 - cis - or trans tetrahydrocannabinol, and its optical isomers; or

(iv) That is chemically synthesized and either:

(a) Has been demonstrated to have binding activity at one or more cannabinoid receptors; or

(b) Is a chemical analog or isomer of a compound that has been demonstrated to have binding activity at one or more cannabinoid receptors;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(31) Ethylamine analog of phencyclidine: Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

(32) Pyrrolidine analog of phencyclidine: Some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

(33) Thiophene analog of phencyclidine: Some trade or other names: 1-(1-[2-thenyl]-cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP;

(34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other name is TCPy.

(d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

(1) Gamma-hydroxybutyric acid: Some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate;

(2) Mecloqualone;

(3) Methaqualone.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

(2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

(3) Cathinone, also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

(4) Fenethylamine;

(5) Methcathinone: Some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)propiofenone; 2-(methylamino)-1-phenylpropan-1-one;

alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts of optical isomers;

(6) (+)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(7) N-ethylamphetamine;

(8) N,N-dimethylamphetamine: Some trade or other names: N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

The controlled substances in this section may be added, rescheduled, or deleted as provided for in RCW 69.50.201.

Sec. 3. RCW 69.50.430 and 2003 c 53 s 345 are each amended to read as follows:

(1) Every person convicted of a felony violation of RCW 69.50.401 through 69.50.4013, 69.50.4015, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be fined one thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

(2) On a second or subsequent conviction for violation of any of the laws listed in subsection (1) of this section, the person shall be fined two thousand dollars in addition to any other fine or penalty imposed. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

(3) In addition to any other civil or criminal penalty, every person who violates or causes another to violate RCW 69.50.401 by distributing, dispensing, manufacturing, displaying for sale, offering for sale, attempting to sell, or selling to a purchaser any product that contains any amount of any synthetic cannabinoid, cathinone, or methcathinone, as identified in RCW 69.50.204, shall be fined not less than ten thousand dollars and not more than five hundred thousand dollars. If, however, the person who violates or causes another to violate RCW 69.50.401 by distributing, dispensing, manufacturing, displaying for sale, offering for sale, attempting to sell, or selling any product that contains any amount of any synthetic cannabinoid, cathinone, or methcathinone, as identified in RCW 69.50.204, to a purchaser under the age of eighteen, the minimum penalty shall be twenty-five thousand dollars if the person is at least two years older than the minor. Unless the court finds the person to be indigent, this additional fine shall not be suspended or deferred by the court.

NEW SECTION. Sec. 4. (1) The Washington state patrol shall create a pilot program that uses technologies and protocols to instantly identify synthetic cannabinoids, cathinones, and methcathinones (synthetic drugs), as well as other illicit drugs. The pilot program shall focus on using technology capable of presumptive identification of illicit drugs in the field.

(2) A minimum of five separate districts in the state shall be equipped to operate the pilot program. The state patrol may choose to have one or more of the pilot sites located within a city or county police department.

(3) Prior to July 30, 2016, the state patrol shall submit a report to the appropriate committees of the legislature outlining the findings of the pilot program, and make any recommendation on whether the technologies and protocols selected for the pilot program may be used to help prevent the growth of synthetic drugs and other illicit drugs throughout the state. Specifically, the evaluation shall include, but is not limited to, the following:

(a) A review of technical capabilities and accuracy rates of technologies and protocols selected for the pilot program;

(b) A description of the impact to state and local crime lab backlogs if the technologies and protocols selected could eliminate the need to send synthetic drugs, or other illicit drugs, to the crime lab for presumptive testing, including the potential cost savings to state and local governments;

(c) A description of the status of courts' acceptance of the technologies and protocols selected for the pilot program for the presumptive identification of synthetic drugs and other illicit drugs."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Padden to Senate Bill No. 5673.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "salts;" strike the remainder of the title and insert "amending RCW 69.50.204 and 69.50.430; adding a new section to chapter 19.86 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Senate Bill No. 5673 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5673.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5673 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Ericksen and Liias

ENGROSSED SENATE BILL NO. 5673, 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. 5247, by Senators O'Ban, Dammeier, Kohl-Welles and Chase

Concerning driving while license suspended when the suspension is based on noncompliance with a child support order.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5247.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5247 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hewitt, Hill, Hobbs, Honeyford, King, Litzow, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Schoesler, Sheldon and Warnick

Voting nay: Senators Chase, Cleveland, Conway, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Jayapal, Keiser, Kohl-Welles, McAuliffe, McCoy, Miloscia, Nelson, Roach and Rolfes

Excused: Senator Liias

SENATE BILL NO. 5247, 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. 5215, by Senators Roach, Pedersen, Kohl-Welles, Baumgartner, Padden, Darneille, Keiser, Benton and O'Ban

Establishing the Washington internet crimes against children account.

MOTIONS

On motion of Senator Roach, Second Substitute Senate Bill No. 5215 was substituted for Senate Bill No. 5215 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Second Substitute Senate Bill No. 5215 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5215.

ROLL CALL

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The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5215 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Liias

SECOND SUBSTITUTE SENATE BILL NO. 5215, 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. 5394, by Senators Rivers, Darneille, Kohl-Welles, Cleveland, Brown and Keiser

Clarifying the applicability of child abduction statutes to residential provisions ordered by a court.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5394 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rivers 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. 5394.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5394 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Chase and Nelson

Excused: Senator Liias

SENATE BILL NO. 5394, 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. 5919, by Senators Angel, Padden and Miloscia

Concerning informed decision making for death with dignity decisions.

The measure was read the second time.

MOTION

On motion of Senator Angel, the rules were suspended, Senate Bill No. 5919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and Pedersen 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. 5919.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, King, Miloscia, O'Ban, Padden, Parlette, Pearson, Pedersen, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Billig, Chase, Cleveland, Frockt, Jayapal, Keiser, Kohl-Welles, Litzow, McAuliffe, McCoy, Mullet, Nelson, Ranker and Rolfes

Excused: Senator Liias

SENATE BILL NO. 5919, 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. 5805, by Senators Rivers, Rolfes and Keiser

Concerning conflict resolution programs in schools.

The measure was read the second time.

MOTION

On motion of Senator Rivers, the rules were suspended, Senate Bill No. 5805 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rivers, King, McAuliffe and Rolfes spoke in favor of passage of the bill.

MOTION

On motion of Senator Habib, Senator Nelson was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5805.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5805 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt,

Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senators Liias and Nelson

SENATE BILL NO. 5805, 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. 5362, by Senators King and Liias

Concerning the regulation of passenger charter and excursion carriers.

MOTIONS

On motion of Senator Fain, Substitute Senate Bill No. 5362 was substituted for Senate Bill No. 5362 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator King, the rules were suspended, Substitute Senate Bill No. 5362 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5362.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5362 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McCoy, Miloscia, Mullet, O'Ban, Padden, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Sheldon and Warnick

Voting nay: Senators Hasegawa, Hewitt, McAuliffe, Nelson, Pearson and Schoesler

Excused: Senator Liias

SUBSTITUTE SENATE BILL NO. 5362, 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. 5523, by Senators Sheldon, Rivers, Angel, Schoesler, Padden, Becker, Warnick, Honeyford and Roach

Removing the requirement that a process server disclose a social security number when registering.

The measure was read the second time.

MOTION

Senator Sheldon moved that the following striking amendment by Senator Sheldon and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.22 RCW to read as follows:

(1) The legislature finds that the dissemination of social security numbers of process servers is not in the public interest.

(2) A county auditor collecting social security numbers from process servers required to register under RCW 18.180.010 shall not display or release a process server's social security number on any document or web site issued or maintained by the auditor. Social security numbers of process servers required to register under RCW 18.180.010 are confidential, are exempt from public inspection and copying, and shall not be disclosed except as otherwise explicitly required to be disclosed under federal law."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Sheldon and others to Senate Bill No. 5523.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "and adding a new section to chapter 36.22 RCW."

MOTION

On motion of Senator Sheldon, the rules were suspended, Engrossed Senate Bill No. 5523 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5523.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5523 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator McCoy

Excused: Senator Liias

ENGROSSED SENATE BILL NO. 5523, 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.

SENATE BILL NO. 5023, by Senators Parlette and Keiser

Concerning filing requirements for large group health benefit plans, stand-alone dental plans, and stand-alone vision plans. Revised for 1st Substitute: Concerning the filing of group health benefit plans other than small group plans, stand-alone dental plans, and stand-alone vision plans by disability insurers, health care service contractors, and health maintenance organizations.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5023 was substituted for Senate Bill No. 5023 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Frockt 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. 5023.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5023 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Liias

SUBSTITUTE SENATE BILL NO. 5023, 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. 5290, by Senators Braun, Roach, Miloscia, Dammeier, Angel, Habib, Hatfield, Chase, Hobbs and McCoy

Authorizing law enforcement and prosecutorial officials of federally recognized Indian tribes access to prescription monitoring data.

The measure was read the second time.

MOTION

On motion of Senator Braun, the rules were suspended, Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Frockt 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. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5290 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Liias

SENATE BILL NO. 5290, 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. 5795, by Senators Roach and Liias

Authorizing municipalities to create assessment reimbursement areas for the construction or improvement of water or sewer facilities.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5795 was substituted for Senate Bill No. 5795 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5795 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and McCoy 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. 5795.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5795 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Benton, Billig, Chase, Cleveland, Conway, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, Parlette, Pearson, Pedersen, Ranker, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Baumgartner, Becker, Braun, Brown, Dammeier, Dansel, Hewitt, O'Ban, Padden and Rivers

Excused: Senator Liias

SUBSTITUTE SENATE BILL NO. 5795, 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. 5712, by Senator Pearson

Addressing certain damage caused by wildlife.

The measure was read the second time.

MOTION

On motion of Senator Pearson, the rules were suspended, Senate Bill No. 5712 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5712.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5712 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Hasegawa, McAuliffe and Rolfes

Excused: Senator Liias

SENATE BILL NO. 5712, 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. 5463, by Senators Hill, Kohl-Welles, Fain, Fraser, Litzow, King, Angel, Nelson, Chase, Pedersen, Roach, Liias and McAuliffe

Concerning access to and creation of cultural and heritage programs and facilities.

MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 5463 was substituted for Senate Bill No. 5463 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill, Kohl-Welles, Habib, Fraser and Baumgartner 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. 5463.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5463 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senators Braun, Mullet, Padden and Rivers

Excused: Senator Liias

SUBSTITUTE SENATE BILL NO. 5463, 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. 5719, by Senators Bailey, Baumgartner, Becker, Kohl-Welles, Parlette, Dammeier, Honeyford, Fain, Fraser, Darneille, McAuliffe, Pearson, Angel, Keiser, Chase, Sheldon, Hill, Jayapal and Frockt

Creating a task force on campus sexual violence prevention.

MOTION

On motion of Senator Bailey, Substitute Senate Bill No. 5719 was substituted for Senate Bill No. 5719 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Liias and others be adopted:

On page 2, line 11, after "efforts;" insert the following:

"(v) One student from a state university and one student from a regional university, with one of these two students from the west of the crest of the Cascade mountains and one from the east of the crest of the Cascade mountains;"

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

WITHDRAWAL OF AMENDMENT

On motion of Senator Kohl-Welles and without objection, the amendment by Senator Liias and others on page 2, line 11 to Substitute Senate Bill No. 5719 was withdrawn.

MOTION

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 5719 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Bailey, Kohl-Welles and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5719.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5719 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway,

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Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Liias

SUBSTITUTE SENATE BILL NO. 5719, 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. 5518, by Senators Kohl-Welles, Litzow, Frockt, Darneille, McAuliffe, Liias, Dammeier, Fain, Keiser, Hasegawa and Habib

Creating procedures to address campus sexual violence.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5518 was substituted for Senate Bill No. 5518 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5518 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Bailey 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. 5518.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5518 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Liias

SUBSTITUTE SENATE BILL NO. 5518, 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. 5243, by Senators Honeyford, King, Keiser, Conway and Chase

Concerning services provided by residential habilitation centers.

MOTION

On motion of Senator Honeyford, Second Substitute Senate Bill No. 5243 was substituted for Senate Bill No. 5243 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71A.20.180 and 2011 1st sp.s. c 30 s 6 are each amended to read as follows:

~~((1) By December 31, 2011, the department shall:~~

~~(a) Close Frances Haddon Morgan residential rehabilitation center and relocate current residents consistent with the requirements of section 7 of this act; and~~

~~(b) Establish at least two state operating living alternatives on the campus of the Frances Haddon Morgan center, if residents have chosen to receive care in such a setting and subject to federal requirements related to the receipt of federal medicaid matching funds.~~

~~((2)(a) Upon August 24, 2011, the department shall not permit any new admission to Yakima Valley School unless such admission is limited to the provision of short term respite or crisis stabilization services. Except as provided in (b) of this subsection, no current permanent resident of Yakima Valley School shall be required or compelled to relocate to a different care setting as a result of chapter 30, Laws of 2011 1st sp. sess.~~

~~((b)) (1)(a) The Yakima Valley School shall ((continue to)) operate as a residential habilitation center ((until such time that the census of permanent residents has reached sixteen persons. As part of the closure plan, at least two cottages will be converted to state operated living alternatives, subject to federal requirements related to the receipt of federal medicaid matching funds)). The Yakima Valley School must operate crisis stabilization beds and respite service beds as the capacity of the school allows and as the needs of the community require, subject to the availability of amounts appropriated for this specific purpose.~~

~~(b) As of the effective date of this section, no new long-term admissions are permitted.~~

~~((3) To assure the successful implementation of subsections (1) and (2) of this section,)) (2) The department, within available funds:~~

~~(a) Shall establish state-operated living alternatives, within funds specifically provided in the omnibus appropriations act, to provide community residential services to residential habilitation center residents transitioning to the community under chapter 30, Laws of 2011 1st sp. sess. who prefer a state-operated living alternative. The department shall offer residential habilitation center employees opportunities to work in state-operated living alternatives as they are established;~~

~~(b) May use existing supported living program capacity in the community for former residential habilitation center residents who prefer and choose a supported living program;~~

~~(c) ((Shall continue to staff and operate at Yakima Valley School crisis stabilization beds and respite service beds at the existing bed capacity as of June 1, 2011, for individuals with developmental disabilities requiring such services;~~

~~((d)) Shall establish up to eight state-staffed crisis stabilization beds and up to eight state-staffed respite beds based upon funding provided in the omnibus appropriations act and the geographic areas with the greatest need for those services; ((and~~

~~((e)) (d) Shall establish regional or mobile specialty services evenly distributed throughout the state, such as dental care,~~

physical therapy, occupational therapy, and specialized nursing care, which can be made available to former residents of residential habilitation centers and, within available funds, other individuals with developmental disabilities residing in the community; and

(e) Shall continue to provide respite services in residential habilitation centers and continue to develop respite care in the community."

Senators Keiser, Honeyford and Rolfes spoke in favor of adoption of the striking amendment.

Senators Angel and Chase spoke against adoption of the striking amendment.

POINT OF INQUIRY

Senator Roach: "Would Senator Keiser yield to a question? I'm reading it. It says 'As of the effective date of this section, no new long term admissions are permitted.' So what I don't understand is we're going to beef everything up and make it nicer and then not allow any more to come in? I don't understand."

Senator Keiser: "The current policy is to not place long term clients at the RHCs [residential habilitation centers]. That is current policy. This does not change current policy. It restates it. But what we don't have enough of are crisis services and respite services for families with DD [developmentally disabled] children, sometimes adult children, and those families need support. I think we can use these facilities for family support services and enhance services in many ways perhaps for mental health services as well. We'll be working together, I know, as we develop new approaches to these, what used to be called, 'institutions' but they could become communities."

Senators Hargrove and Frockt spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Honeyford and Keiser to Second Substitute Senate Bill No. 5243.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "centers;" strike the remainder of the title and insert "and amending RCW 71A.20.180."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5243.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5243 and the bill

passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator Chase

Excused: Senator Liias

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5243, 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. 5316, by Senators Dammeier, Rolfes, Rivers, Hasegawa, Brown, Frockt, Dansel, Braun, Chase, Angel and Kohl-Welles

Concerning privacy and security of personally identifiable student information.

MOTION

On motion of Senator Dammeier, Substitute Senate Bill No. 5316 was substituted for Senate Bill No. 5316 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Dammeier moved that the following striking amendment by Senators Dammeier and Rolfes be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the use of education data and new technologies hold incredible promise for improving the educational experiences and outcomes of students. The legislature further finds that personally identifiable student information demands highly effective privacy and security safeguards. The legislature intends to promote appropriate use of education data by enacting safeguards to ensure that personally identifiable student information is protected and individual expectations of privacy are honored.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 9 of this act unless the context clearly requires otherwise.

(1) "Directory information" has the meaning assigned in the federal family educational rights and privacy act and corresponding regulations.

(2)(a) "Personally identifiable student-level data" means any information collected by the office of the superintendent of public instruction, any state or local educational agency or institution, the board of directors of a school district, or any third-party service provider or contractor on behalf of the foregoing related to a particular identified or identifiable student in Washington, including, but not limited to:

- (i) The student's name;
- (ii) The name of the student's parent or other family members;
- (iii) The address of the student or student's family;
- (iv) A personal identifier, such as the student's social security number, or student number;

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(v) Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

(vi) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

(vii) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

(b) Personally identifiable student-level data does not include any anonymous and aggregated data that cannot be used to link specific information to a particular student.

(3) "School enhancement products and services" means school-related products and services that are customarily offered under the direction or for the benefit of the public agency, organization, or school community, such as school photography, yearbooks, graduation products, and class rings.

(4) "Targeted advertising" means presenting advertisements to a student where the advertisement is selected based on information obtained or inferred from that student's online behavior, usage of applications, or personally identifiable data. Targeted advertising does not include advertising to a student at an online location based upon that student's current visit to that location or single search query without collection and retention of a student's online activities over time or across different web sites or applications.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction, or any employee or contractor of the superintendent, shall not collect, retain, or use in any manner, student biometric information unless it is necessary to implement an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. For the purposes of this section, "biometric information" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

Sec. 4. RCW 28A.300.500 and 2007 c 401 s 2 are each amended to read as follows:

(1) The office of the superintendent of public instruction is authorized to establish a longitudinal student data system for and on behalf of school districts in the state. The primary purpose of the data system is to better aid research into programs and interventions that are most effective in improving student performance, better understand the state's public educator workforce, and provide information on areas within the educational system that need improvement.

(2) The confidentiality of personally identifiable student data shall be safeguarded consistent with the requirements of the federal family educational rights privacy act and applicable state laws. Consistent with the provisions of these federal and state laws, data may be disclosed for educational purposes and studies, including but not limited to:

(a) Educational studies authorized or mandated by the state legislature;

(b) Studies initiated by other state educational authorities and authorized by the office of the superintendent of public instruction, including analysis conducted by the education data center established under RCW 43.41.400; and

(c) Studies initiated by other public or private agencies and organizations and authorized by the office of the superintendent of public instruction.

(3) The office of the superintendent of public instruction shall grant parents and legal guardians access to any student record that is a record of a child of the parent or a child in the care of the legal guardian, including records that contain personally identifiable data, unless the student is age eighteen or older.

(4) Any public agency or organization or any private contractor or vendor, that is authorized by the office of the superintendent of public instruction to access student-level data shall adhere to all federal and state laws protecting student data and safeguarding the confidentiality and privacy of student records. All public agencies or organizations and private contractors or vendors, that receive personally identifiable student-level data from the office of the superintendent of public instruction and to the extent they are providing services to the office of the superintendent of public instruction shall ensure the following:

(a) All personally identifiable student-level data is used solely for the purpose for which the disclosure was intended;

(b) No personally identifiable student-level data is sold or used for secondary purposes such as marketing or targeted advertising;

(c) All personally identifiable student-level data, including backup copies, is destroyed when it is no longer required for the purposes for which it was disclosed, or upon agreement or contract termination, or project completion;

(d) A record is kept of any requests for access to the personally identifiable student-level data;

(e) No personally identifiable student-level data is disclosed to any other individual or entity without the prior written consent of the parent, legal guardian, or student if the student is age eighteen or older unless the entity is an educational agency or institution that abides by the data security requirements of this section and the federal family educational rights and privacy act and corresponding regulations;

(f) The provisions of this subsection (4) shall not apply to use or disclosure of personally identifiable student-level data by a private contractor or vendor to a service provider, provided the private contractor or vendor:

(i) Prohibits the service provider from using any personally identifiable student-level data for any purpose other than providing the contracted service to, or on behalf of, the private contractor or vendor for the educational purposes for which such data was originally disclosed to the private contractor or vendor;

(ii) Prohibits the service provider from disclosing any personally identifiable student-level data provided by the private contractor or vendor to subsequent third parties unless the disclosure is otherwise permitted by this section; and

(iii) Requires the service provider to comply with the requirements of this section.

(5) Any public agency or organization that possesses personally identifiable student-level data shall take special precautions to avoid accidental disclosure of the data, including encryption whenever feasible. Private contractors or vendors shall employ industry standard methods to ensure security of all personally identifiable student-level data that they receive, store, use, and transmit.

~~((4))~~ (6) Nothing in this section precludes the office of the superintendent of public instruction from collecting and distributing aggregate data about students or student-level data without personally identifiable information.

(7) Nothing in this section precludes the office of the superintendent of public instruction from releasing directory information for the purpose of making available to parents and students school enhancement products and services as authorized by the office of the superintendent of public instruction, as long

as any outside party receiving directory information for these purposes is prohibited from secondary use or sale of the information and is required to comply with all other provisions of this section.

(8) Nothing in this section prohibits the use of personally identifiable student-level data for adaptive learning, personalized learning, or customized education.

(9) Nothing in this section may be construed to impede the ability of students to download, export, or otherwise save or maintain their own student data or documents.

Sec. 5. RCW 28A.300.507 and 2009 c 548 s 203 are each amended to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Develop a detailed data security plan and procedures to govern the use and maintenance of data systems, including ensuring the use of appropriate administrative, physical, and technical safeguards for electronic and physical personally identifiable student-level data at the state level; and develop a model plan consistent with this chapter for school districts to use to safeguard personally identifiable student-level data at the school district level;

(b) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

~~((b))~~ (c) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;

~~((c))~~ (d) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under RCW 28A.655.210;

~~((d))~~ (e) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be transformed into canonical form and where existing software can be used to meet the needs requirement document;

~~((e))~~ (f) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

~~((f))~~ (g) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. Strong

consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:

(i) Defining and maintaining standards for privacy and confidentiality;

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education data center and the legislative evaluation and accountability program committee.

(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) To the extent data is available, the office of the superintendent of public instruction shall make the following minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:

(a) The percentage of data compliance and data accuracy by school district;

(b) The magnitude of spending per student, by student estimated by the following algorithm and reported as the detailed summation of the following components:

(i) An approximate, prorated fraction of each teacher or human resource element that directly serves the student. Each human resource element must be listed or accessible through online tunneling in the report;

(ii) An approximate, prorated fraction of classroom or building costs used by the student;

(iii) An approximate, prorated fraction of transportation costs used by the student; and

(iv) An approximate, prorated fraction of all other resources within the district. District-wide components should be disaggregated to the extent that it is sensible and economical;

(c) The cost of K-12 basic education, per student, by student, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(d) The cost of K-12 special education services per student, by student receiving those services, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(e) Improvement on the statewide assessments computed as both a percentage change and absolute change on a scale score metric by district, by school, and by teacher that can also be filtered by a student's length of full-time enrollment within the school district;

(f) Number of K-12 students per classroom teacher on a per teacher basis;

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(g) Number of K-12 classroom teachers per student on a per student basis;

(h) Percentage of a classroom teacher per student on a per student basis; and

(i) The cost of K-12 education per student by school district sorted by federal, state, and local dollars.

(6) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

(7) All reports and data referenced in this section and RCW 43.41.400 and 28A.655.210 shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.310 RCW to read as follows:

(1) Any public agency or organization or any private contractor or vendor, that is authorized by the educational service district board to access student-level data must adhere to all federal and state laws protecting student data and safeguarding the confidentiality and privacy of student records. All public agencies or organizations and private contractors or vendors, that receive personally identifiable student-level data from the educational service district and to the extent they are providing services to the educational service district shall ensure the following:

(a) All personally identifiable student-level data is used solely for the purpose for which the disclosure was intended;

(b) No personally identifiable student-level data is sold or used for secondary purposes such as marketing or targeted advertising purposes;

(c) All personally identifiable student-level data, including backup copies, is destroyed when it is no longer required for the purposes for which it was disclosed, or upon agreement or contract termination, or project completion;

(d) A record is kept of any requests for access to the personally identifiable student-level data;

(e) No personally identifiable student-level data is disclosed to any other individual or entity without the prior written consent of the parent, legal guardian, or student if the student is age eighteen or older unless the entity is an educational agency or institution that abides by the data security requirements of this section and the federal family educational rights and privacy act and corresponding regulations;

(f) The provisions of this subsection (1) shall not apply to use or disclosure of personally identifiable student-level data by a private contractor or vendor to a service provider, provided the private contractor or vendor:

(i) Prohibits the service provider from using any personally identifiable student-level data for any purpose other than providing the contracted service to, or on behalf of, the private

contractor or vendor for the educational purposes for which such data was originally disclosed to the private contractor or vendor;

(ii) Prohibits the service provider from disclosing any personally identifiable student-level data provided by the private contractor or vendor to subsequent third parties unless the disclosure is otherwise permitted by this section; and

(iii) Requires the service provider to comply with the requirements of this section.

(2) Any public agency or organization that possesses personally identifiable student-level data shall take special precautions to avoid accidental disclosure of the data, including encryption whenever feasible. Private contractors or vendors shall employ industry standard methods to ensure security of all personally identifiable student-level data that they receive, store, use, and transmit.

(3) Nothing in this section precludes the educational service district from collecting and distributing aggregate data about students or student-level data without personally identifiable information.

(4) Nothing in this section precludes the educational service district from releasing directory information for the purpose of making available to parents and students school enhancement products and services as authorized by the educational service district, as long as any outside party receiving directory information for these purposes is prohibited from secondary use or sale of the information and is required to comply with all other provisions of this section.

(5) Nothing in this section prohibits the use of personally identifiable student-level data for adaptive learning, personalized learning, or customized education.

(6) Nothing in this section may be construed to impede the ability of students to download, export, or otherwise save or maintain their own student data or documents.

(7) The definitions in section 2 of this act apply in this section.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.310 RCW to read as follows:

No educational service district board, educational service district, employee, or contractor may collect, retain, or use in any manner, student biometric information unless it is necessary to implement an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. For the purposes of this section, "biometric information" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

Sec. 8. RCW 28A.320.035 and 1997 c 267 s 1 are each amended to read as follows:

(1)(a) The board of directors of a school district may contract with other school districts, educational service districts, public or private organizations, agencies, schools, or individuals to implement the board's powers and duties. The board of directors of a school district may contract for goods and services, including but not limited to contracts for goods and services as specifically authorized in statute or rule, as well as other educational, instructional, and specialized services. When a school district board of directors contracts for educational, instructional, or specialized services, the purpose of the contract must be to improve student learning or achievement.

~~((2))~~ (b) A contract under ~~((subsection (1) of))~~ this section may not be made with a religious or sectarian organization or school where the contract would violate the state or federal Constitution.

(c) Any public agency or organization or any private contractor or vendor, that is authorized by the school district board of directors or any school in the district to access student-level data must adhere to all federal and state laws protecting student data and safeguarding the confidentiality and privacy of student records. All public agencies or organizations and private contractors or vendors, that receive personally identifiable student-level data from the school district board of directors or any school in the district and to the extent they are providing services to the school district board of directors or any school in the district shall ensure the following:

(i) All personally identifiable student-level data is used solely for the purpose for which the disclosure was intended;

(ii) No personally identifiable student-level data is sold or used for secondary purposes such as marketing or targeted advertising;

(iii) All personally identifiable student-level data, including backup copies, is destroyed when it is no longer required for the purposes for which it was disclosed, or upon agreement or contract termination, or project completion;

(iv) A record is kept of any requests for access to the personally identifiable student-level data;

(v) No personally identifiable student-level data is disclosed to any other individual or entity without the prior written consent of the parent, legal guardian, or student if the student is age eighteen or older unless the entity is an educational agency or institution that abides by the data security requirements of this section and the federal family educational rights and privacy act and corresponding regulations;

(vi) The provisions of this subsection (1) shall not apply to use or disclosure of personally identifiable student-level data by a private contractor or vendor to a service provider, provided the private contractor or vendor:

(A) Prohibits the service provider from using any personally identifiable student-level data for any purpose other than providing the contracted service to, or on behalf of, the private contractor or vendor for the educational purposes for which such data was originally disclosed to the private contractor or vendor;

(B) Prohibits the service provider from disclosing any personally identifiable student-level data provided by the private contractor or vendor to subsequent third parties unless the disclosure is otherwise permitted by this section; and

(C) Requires the service provider to comply with the requirements of this section.

(d) Any public agency or organization that possesses personally identifiable student-level data shall take special precautions to avoid accidental disclosure of the data, including encryption whenever feasible. Private contractors or vendors shall employ industry standard methods to ensure security of all personally identifiable student-level data that they receive, store, use, and transmit.

(2) Nothing in this section precludes the school district from collecting and distributing aggregate data about students or student-level data without personally identifiable information.

(3) Nothing in this section precludes the school district board of directors or any school in the district from releasing directory information for the purpose of making available to parents and students school enhancement products and services as authorized by the school district board of directors or any school in the district, as long as any outside party receiving directory information for these purposes is prohibited from secondary use or sale of the information and is required to comply with all other provisions of this section.

(4) Nothing in this section prohibits the use of personally identifiable student-level data for adaptive learning, personalized learning, or customized education.

(5) Nothing in this section may be construed to impede the ability of students to download, export, or otherwise save or maintain their own student data or documents.

(6) The definitions in section 2 of this act apply in this section.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.320 RCW to read as follows:

No school district board of directors, school, employee, or contractor may collect, retain, or use in any manner, student biometric information unless it is necessary to implement an individualized education program or plan developed under section 504 of the rehabilitation act of 1973. For the purposes of this section, "biometric information" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual. Examples include fingerprints; retina and iris patterns; voiceprints; DNA sequence; facial characteristics; and handwriting.

Sec. 10. RCW 28A.605.030 and 1997 c 119 s 1 are each amended to read as follows:

(1) The parent or guardian of a student who is or has been in attendance at a school has the right to review all education records of the student. A school may not release the education records of a student without the written consent of the student's parent or guardian, except as authorized by RCW 28A.600.475 and the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g.

(2) The board of directors of each school district shall establish a procedure for:

~~((+))~~ (a) Granting the request by a parent or guardian for access to the education records of his or her child that provides that:

(i) Records shall be provided electronically, if practicable;

(ii) No fee may be charged for the inspection of records; and

(iii) If the records are provided in a nonelectronic format, then the school district may impose a reasonable charge to cover the actual costs directly incident to the copying; and

~~((=))~~ (b) Prohibiting the release of student information without the written consent of the student's parent or guardian, after the parent or guardian has been informed what information is being requested, who is requesting the information and why, and what will be done with the information.

(3) The procedure adopted by the school district must be in compliance with the family educational and privacy rights act of 1974, 20 U.S.C. Sec. 1232g."

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

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Dammeier and Rolfe to Substitute Senate Bill No. 5316.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "information;" strike the remainder of the title and insert "amending RCW 28A.300.500, 28A.300.507, 28A.320.035, and 28A.605.030; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.310 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section."

MOTION

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On motion of Senator Dammeier, the rules were suspended, Engrossed Substitute Senate Bill No. 5316 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5316.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5316 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Voting nay: Senator McCoy

Excused: Senator Liias

ENGROSSED SUBSTITUTE SENATE BILL NO. 5316, 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. 5498, by Senators Pedersen and O'Ban

Revising the uniform interstate family support act.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5498 was substituted for Senate Bill No. 5498 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following amendment by Senators Padden and Pedersen be adopted:

On page 36, beginning on line 3, after "chapter" strike all material through ""Article 9"" on line 4 and insert "4.24 RCW"

On page 36, line 10, after "is" strike "deemed" and insert "presumed"

On page 36, after line 13, insert the following:

NEW SECTION. Sec. 62. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the Washington department of social and health services shall submit a request to obtain a statutory or regulatory waiver of provisions to the extent of the conflicting requirements in Title IV-D of the federal social security act from the federal department of health and human services.

NEW SECTION. Sec. 63. If after submission of a waiver request pursuant to section 62 of this act, the federal department of health and human services denies the request for the waiver, then section 61 of this act is inoperative with respect to sections 1 through 60 of this act."

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

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

The President declared the question before the Senate to be the adoption of the amendment by Senators Padden and Pedersen on page 36, line 3 to Substitute Senate Bill No. 5498.

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

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 10 of the title, after "26.21A RCW;" insert "adding a new section to chapter 4.24 RCW;"

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 5498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5498.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5498 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, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Kohl-Welles, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Warnick

Excused: Senator Liias

ENGROSSED SUBSTITUTE SENATE BILL NO. 5498, 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. 5298, by Senators Ericksen, Hatfield, Honeyford and Warnick

Concerning the diversion of certain municipal waters.

MOTIONS

On motion of Senator Ericksen, Substitute Senate Bill No. 5298 was substituted for Senate Bill No. 5298 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 5298 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Habib, Senator Ranker was excused.

Senator McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5298.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5298 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Litzow, McAuliffe, Miloscia, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Warnick

Voting nay: Senators Chase, Cleveland, Conway, Darneille, Frockt, Habib, Hasegawa, Jayapal, Kohl-Welles, McCoy, Nelson, Pedersen and Rolfes

Excused: Senators Lias and Ranker

SUBSTITUTE SENATE BILL NO. 5298, 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.

Senator Fain announced a meeting of the Committee on Rules in the Senate Rules Room to begin five minutes after the day's adjournment.

MOTION

At 8:42 p.m., on motion of Senator Fain, the Senate adjourned until 9:00 o'clock a.m. Thursday, March 5, 2015.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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