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Sean T. Kochaniewicz,
Journal Clerk

Brittany Yunker Carlson,
Minute and Status Clerk

Lieutenant Governor Cyrus Habib, *President of the Senate*
Senator Karen Keiser, *President Pro Tempore*
Senator Steve Conway, *Vice President Pro Tempore*
Brad Hendrickson, *Secretary of the Senate*

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ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, April 23, 2019

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Ericksen.

The Sergeant at Arms Color Guard consisting of Pages Mr. Phin Mahlum and Mr. Bruno Felipe Juan, presented the Colors.

Page Miss Nejme Aperjis led the Senate in the Pledge of Allegiance.

The prayer was offered by Lt. Colonel Arthur Paine, Chaplain, 194th Wing, Washington Air National Guard, Camp Murray.

The President called upon the Secretary to read the journal of the preceding day.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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.

MOTION

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

INTRODUCTION AND FIRST READING

SJM 8015 by Senators Schoesler, Sheldon, Becker, Rivers, Wilson, L., Van De Wege, Walsh, Salomon, Pedersen, Bailey, Ericksen, Warnick, Wagoner, Honeyford, Brown, Padden, O'Ban, Hunt, Fortunato, Short, Conway, King, Hobbs and Lovelett

Concerning pinniped predation of salmon and other fish.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

MOTION

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

MOTION

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

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8630

By Senators Honeyford, King, Warnick, Brown, and Wagoner

WHEREAS, Greg Stewart of Selah, Washington is retiring after an illustrious and unparalleled 48-year career dedicated to the state of Washington and its fair industry; and

WHEREAS, Greg is an alumnus of Centralia College and Washington State University, where he graduated with a degree in agricultural economics; and

WHEREAS, Greg served in the United States Army from 1966 to 1969, including serving a tour of duty in Vietnam; and

WHEREAS, Greg Stewart and his wife Karen have been married since November 4, 1967, and raised two lovely daughters, Tami and Stephanie; and

WHEREAS, Greg was hired in 1972 by the Central Washington Fair Association to be the Assistant General Manager; and

WHEREAS, In 1973, Greg was appointed General Manager of what was then a five-day fair, overseeing a full-time staff of three people; and

WHEREAS, The Central Washington State Fair, home of the original Washington State Fair and the 120-acre fairgrounds, now known as State Fair Park, have grown considerably under Greg's leadership; and

WHEREAS, The Central Washington State Fair has grown to a 10-day fair with the addition of the Yakima Valley SunDome, State Fair Park Raceway, Yakima County Stadium, and a full-time staff of 25, and 181 event days; and

WHEREAS, Greg is a 21-year member of the Yakima Rotary Club, the Greater Yakima Chamber of Commerce, Yakima Valley Tourism, and the Central Washington Hispanic Chamber; and

WHEREAS, In December 2017, Mr. Stewart received an award from the Yakima Latino Professional Association for his excellent leadership, vision, and community support; and

WHEREAS, Greg was Director and Vice President of Western Fairs Association from 1979-1981, on the International Association of Fairs and Expositions (IAFE) Board from 1997-2003, Executive Treasurer 1997-2000, and Chair in 2002; and

WHEREAS, Greg was the first recipient out of the State of California to be on the Western Fairs Association Board and to receive the Hall of Fame award in 1995, received the Diploma of Fair Management in 1977 from Western Fairs Association, and was on the Western Fairs Association's Board from 1979-1981; and

WHEREAS, In 1984, Greg received the designation of Certified Fair Executive from the International Association of Fairs and Expositions; and

WHEREAS, In 2010, Mr. Stewart received the International Association of Fairs and Expositions Hall of Fame award, the highest honor recognized by the fair industry; and

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WHEREAS, Mr. Stewart was the Director of the Mid-West Fairs Association, where members are selected by invitation only; and

WHEREAS, In 2006, Mr. Stewart served as President of the Mid-West Fairs Association, served on the Washington State Fair Association's Board from 1972-1978, and was President of the Board from 1976-1977; and

WHEREAS, Additionally, he has memberships with the Northwest Showman's League, International Association of Auditorium Managers, is a gold card member with the Professional Rodeo Cowboy Association, and a board member of the Outdoor Amusement Business Association; and

WHEREAS, In October of 2018, Greg received the Lifetime Achievement Award from the Washington State Fairs Association; and

WHEREAS, Enjoying his retirement, he hopes to expand on his love of traveling, boating, horses, and fishing;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate thank and commend Mr. Greg Stewart for his many years of outstanding public service and dedication to the thousands of people he touched in his career and wish him all the best in retirement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Greg Stewart and his family.

Senators Honeyford, King, Hunt, Schoesler and Warnick spoke in favor of adoption of the resolution.

MOTION

On motion of Senator Becker, Senators Ericksen and O'Ban were excused.

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

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. & Mrs Greg and Karen Stewart who were seated in the gallery and accompanied by their daughter, Mrs. Tami Langston, and her husband, Mr. K.D. Langston.

MOTION

On motion of Senator Liias, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator King moved adoption of the following resolution:

SENATE RESOLUTION 8653

By Senators King, Brown, and Wagoner

WHEREAS, The Perfect Attendance Creates Excellence program began with the Bud Clary Toyota dealership located in Yakima, Washington, and has expanded to dealership locations in Longview and Moses Lake; and

WHEREAS, Yakima Valley currently has 19 elementary schools participating; and

WHEREAS, Yakima Valley currently has approximately 15,000 kindergarten through fifth grade students participating; and

WHEREAS, Bud Clary donated approximately 650 bicycles to elementary school students in 2018; and

WHEREAS, The Perfect Attendance Creates Excellence program is for elementary schools; and

WHEREAS, Students who complete a school year without leaving school early, being tardy to school, or missing any school days, receive a Perfect Attendance Creates Excellence program certificate; and

WHEREAS, Students with perfect attendance receive a new bicycle and helmet donated by Bud Clary and others; and

WHEREAS, The Perfect Attendance Creates Excellence program donated a total of approximately 850 bicycles to elementary school students in approximately 50 schools in 2018; and

WHEREAS, The Perfect Attendance Creates Excellence program has donated more than 4,000 new bicycles and helmets to elementary school students since the program started in 2012;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate remember and honor the Perfect Attendance Creates Excellence program, founded by Bud Clary, and its dedication to encouraging excellent school attendance in elementary school students in Yakima, Longview, and Moses Lake, Washington.

Senators King, Liias, Sheldon and Takko spoke in favor of adoption of the resolution.

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

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Bud Clary Team: Mr. Colby Jones, General Manager, Bud Clary Toyota of Yakima and Ms. Robbie Bustos, Community Outreach Coordinator, Bud Clary Toyota of Yakima, and Perfect Attendance Creates Excellence (PACE) program coordinator who were seated in the gallery and recognized by the senate.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 19, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentleman:

I have the honor to advise you that on April 19, 2019, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5124 - Relating to appraisal management companies.

Engrossed Substitute Senate Bill No. 5131 - Relating to sales of manufactured/mobile or park model homes at county treasurer's foreclosure or distraint sales.

Engrossed Substitute Senate Bill No. 5148 - Relating to visible clothing requirements for hunting.

Substitute Senate Bill No. 5175 - Relating to firefighter safety.

Substitute Senate Bill No. 5305 - Relating to electric utility wildland fire prevention.

Second Substitute Senate Bill No. 5352 - Relating to the Walla Walla watershed management pilot program.

Substitute Senate Bill No. 5399 - Relating to child relocation by a person with substantially equal residential time.

Substitute Senate Bill No. 5403 - Relating to safe egress from adult family homes.

Engrossed Substitute Senate Bill No. 5439 - Relating to confidentiality of employment security department records and data.

Substitute Senate Bill No. 5461 - Relating to the sharing of information between participants in multidisciplinary coordination of child sexual abuse investigations.

Senate Bill No. 5490 - Relating to transferring duties of the life sciences discovery fund.

Substitute Senate Bill No. 5514 - Relating to first responder agency notifications to schools regarding potential threats.

Substitute Senate Bill No. 5612 - Relating to Holocaust education.

Substitute Senate Bill No. 5621 - Relating to increasing the jurisdictional amount for small claims courts.

Senate Bill No. 5649 - Relating to crimes of sexual assault.

Senate Bill No. 5786 - Relating to administrative efficiencies in research in public institutions of higher education.

Senate Bill No. 5831 - Relating to an employer's payment of indebtedness.

Substitute Senate Bill No. 5885 - Relating to the admissibility of testimony of children in criminal and dependency proceedings.

Engrossed Senate Bill No. 5958 - Relating to public works contracts and interlocal agreements by second-class cities and towns.

Engrossed Substitute Senate Bill No. 5959 - Relating to livestock identification.

Sincerely

/s/

Drew Shirk, Executive Director of Legislative Affairs

MOTION

At 10:31 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus immediately.

Senator Short announced a meeting of the Republican Caucus immediately.

AFTERNOON SESSION

The Senate was called to order at 12:44 p.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The Speaker has signed:

- HOUSE BILL NO. 1026,
- HOUSE BILL NO. 1062,
- SUBSTITUTE HOUSE BILL NO. 1095,
- SUBSTITUTE HOUSE BILL NO. 1284,
- SUBSTITUTE HOUSE BILL NO. 1302,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450,
- HOUSE BILL NO. 1486,
- SUBSTITUTE HOUSE BILL NO. 1575,
- SECOND SUBSTITUTE HOUSE BILL NO. 1579,
- SUBSTITUTE HOUSE BILL NO. 1602,
- SECOND SUBSTITUTE HOUSE BILL NO. 1603,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1646,
- SUBSTITUTE HOUSE BILL NO. 1658,
- SECOND SUBSTITUTE HOUSE BILL NO. 1668,
- HOUSE BILL NO. 1672,
- HOUSE BILL NO. 1714,
- SUBSTITUTE HOUSE BILL NO. 1724,
- HOUSE BILL NO. 1727,
- HOUSE BILL NO. 1730,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1732,
- SUBSTITUTE HOUSE BILL NO. 1734,
- SUBSTITUTE HOUSE BILL NO. 1746,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1772,
- SECOND SUBSTITUTE HOUSE BILL NO. 1784,
- SUBSTITUTE HOUSE BILL NO. 1798,
- HOUSE BILL NO. 1803,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 23, 2019

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1041,
- SECOND SUBSTITUTE HOUSE BILL NO. 1065,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1105,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1114,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1130,
- SUBSTITUTE HOUSE BILL NO. 1197,
- HOUSE BILL NO. 1252,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1311,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325,
- SECOND SUBSTITUTE HOUSE BILL NO. 1344,
- HOUSE BILL NO. 1366,
- SUBSTITUTE HOUSE BILL NO. 1377,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1391,
- SECOND SUBSTITUTE HOUSE BILL NO. 1424,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1428,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1517,
- SECOND SUBSTITUTE HOUSE BILL NO. 1528,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1543,
- HOUSE BILL NO. 1561,
- SUBSTITUTE HOUSE BILL NO. 1587,

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1879,
 HOUSE BILL NO. 1900,
 SUBSTITUTE HOUSE BILL NO. 1919,
 SUBSTITUTE HOUSE BILL NO. 1953,
 SECOND SUBSTITUTE HOUSE BILL NO. 1973,
 ENGROSSED HOUSE BILL NO. 1996,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 23, 2019

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5028,
 SUBSTITUTE SENATE BILL NO. 5278,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5288,
 SENATE BILL NO. 5337,
 SENATE BILL NO. 5350,
 SUBSTITUTE SENATE BILL NO. 5474,
 SUBSTITUTE SENATE BILL NO. 5492,
 SUBSTITUTE SENATE BILL NO. 5502,
 SENATE BILL NO. 5566,
 SUBSTITUTE SENATE BILL NO. 5763,
 SUBSTITUTE SENATE BILL NO. 5851,
 SENATE BILL NO. 5865,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5874,
 SENATE JOINT MEMORIAL NO. 8005,
 SENATE JOINT RESOLUTION NO. 8200,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Takko moved that Alice Dietz, Senate Gubernatorial Appointment No. 9226, be confirmed as a member of the Lower Columbia College Board of Trustees.

Senator Takko spoke in favor of the motion.

MOTIONS

On motion of Senator Rivers, Senators Ericksen and Sheldon were excused.

On motion of Senator Wilson, C., Senator Salomon was excused.

APPOINTMENT OF ALICE DIETZ

The President declared the question before the Senate to be the confirmation of Alice Dietz, Senate Gubernatorial Appointment No. 9226, as a member of the Lower Columbia College Board of Trustees.

The Secretary called the roll on the confirmation of Alice Dietz, Senate Gubernatorial Appointment No. 9226, as a member of the Lower Columbia College Board of Trustees and the

appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger
 Excused: Senators Ericksen, Salomon and Sheldon

Alice Dietz, Senate Gubernatorial Appointment No. 9226, having received the constitutional majority was declared confirmed as a member of the Lower Columbia College Board of Trustees.

SIGNED BY THE PRESIDENT

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

SUBSTITUTE SENATE BILL NO. 5010,
 SUBSTITUTE SENATE BILL NO. 5017,
 SECOND SUBSTITUTE SENATE BILL NO. 5021,
 SENATE BILL NO. 5022,
 SUBSTITUTE SENATE BILL NO. 5023,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5027,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5035,
 SUBSTITUTE SENATE BILL NO. 5063,
 SENATE BILL NO. 5088,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5127,
 SENATE BILL NO. 5132,
 SUBSTITUTE SENATE BILL NO. 5166,
 SUBSTITUTE SENATE BILL NO. 5181,
 SENATE BILL NO. 5205,
 ENGROSSED SENATE BILL NO. 5210,
 SUBSTITUTE SENATE BILL NO. 5212,
 SUBSTITUTE SENATE BILL NO. 5218,
 SENATE BILL NO. 5233,
 SENATE BILL NO. 5300,
 ENGROSSED SENATE BILL NO. 5334,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5432,
 SUBSTITUTE SENATE BILL NO. 5689,
 and SECOND SUBSTITUTE SENATE BILL NO. 5903.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hunt moved that Steven Drew, Senate Gubernatorial Appointment No. 9211, be confirmed as a member of the South Puget Sound Community College Board of Trustees.

Senator Hunt spoke in favor of the motion.

APPOINTMENT OF STEVEN DREW

The President declared the question before the Senate to be the confirmation of Steven Drew, Senate Gubernatorial Appointment No. 9211, as a member of the South Puget Sound Community College Board of Trustees.

The Secretary called the roll on the confirmation of Steven Drew, Senate Gubernatorial Appointment No. 9211, as a member

of the South Puget Sound Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Salomon and Sheldon

Steven Drew, Senate Gubernatorial Appointment No. 9211, having received the constitutional majority was declared confirmed as a member of the South Puget Sound Community College Board of Trustees.

MOTION

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

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed SENATE BILL NO. 5054 with the following amendment(s): 5054 AMH HCW H2684.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.83.170 and 2004 c 262 s 12 are each amended to read as follows:

(1) Upon compliance with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280, the board may grant a license, without oral examination, to any applicant who has not previously failed any examination held by the board of psychology of the state of Washington and furnishes evidence satisfactory to the board that the applicant:

((+)) (a) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and

((2)(a)) (b)(i) Is licensed or certified to practice psychology in another state or country in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to those required by this chapter and the rules and regulations of the board. Such individuals must have been licensed or certified in another state for a period of at least two years; or

((b)) (ii) Is a diplomate in good standing of the American Board of Examiners in Professional Psychology; or

((c)) (iii) Is a member of a professional organization and holds a certificate deemed by the board to meet standards equivalent to this chapter.

(2)(a)(i) The department shall establish a reciprocity program for applicants for licensure as a psychologist in Washington.

(ii) The reciprocity program applies to applicants for a license as a psychologist who:

(A) Hold or have held within the past twelve months a credential in good standing from another state or territory of the United States which has a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter; and

(B) Have no disciplinary record or disqualifying criminal history.

(b) The department shall issue a probationary license to an applicant who meets the requirements of (a)(ii) of this subsection. The department must determine what deficiencies, if any, exist between the education and experience requirements of the other state's credential and, after consideration of the experience and capabilities of the applicant, determine whether it is appropriate to require the applicant to complete additional education or experience requirements to maintain the probationary license and, within a reasonable time period, transition to a full license. A person who holds a probationary license may only practice as a psychologist in a licensed or certified service provider, as defined in RCW 71.24.025. The department may place a reasonable time limit on a probationary license and may, if appropriate, require the applicant to pass a jurisprudential examination.

(c) The department must maintain and publish a list of credentials in other states and territories that the department has determined to have a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter. The department shall prioritize identifying and publishing the department's determination for the five states or territories that have historically had the most applicants for reciprocity under subsection (1) of this section with a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter.

Sec. 2. RCW 18.205.140 and 1998 c 243 s 14 are each amended to read as follows:

(1) An applicant holding a credential in another state may be certified to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

(2)(a)(i) The department shall establish a reciprocity program for applicants for certification as a chemical dependency professional in Washington.

(ii) The reciprocity program applies to applicants for certification as a chemical dependency professional who:

(A) Hold or have held within the past twelve months a credential in good standing from another state or territory of the United States which has a scope of practice that is substantially equivalent to or greater than the scope of practice for certified chemical dependency professionals as established under this chapter; and

(B) Have no disciplinary record or disqualifying criminal history.

(b) The department shall issue a probationary certificate to an applicant who meets the requirements of (a)(ii) of this subsection. The department must determine what deficiencies, if any, exist between the education and experience requirements of the other state's credential and, after consideration of the experience and capabilities of the applicant, determine whether it is appropriate to require the applicant to complete additional education or experience requirements to maintain the probationary certificate and, within a reasonable time period, transition to a full certificate. A person who holds a probationary certificate may only practice as a chemical dependency professional in a licensed or certified service provider, as defined in RCW 71.24.025. The department may place a reasonable time limit on a probationary certificate and may, if appropriate, require the applicant to pass a jurisprudential examination.

(c) The department must maintain and publish a list of credentials in other states and territories that the department has determined to have a scope of practice that is substantially equivalent to or greater than the scope of practice for certified chemical dependency professionals as established under this chapter. The department shall prioritize identifying and

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publishing the department's determination for the five states or territories that have historically had the most applicants for reciprocity under subsection (1) of this section with a scope of practice that is substantially equivalent to or greater than the scope of practice for certified chemical dependency professionals as established under this chapter.

Sec. 3. RCW 18.225.140 and 2001 c 251 s 14 are each amended to read as follows:

(1) An applicant holding a credential in another state may be licensed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the licensing standards in this state.

(2)(a)(i) The department shall establish a reciprocity program for applicants for licensure as an advanced social worker, an independent clinical social worker, a mental health counselor, or a marriage and family therapist in Washington.

(ii) The reciprocity program applies to applicants for a license as an advanced social worker, an independent clinical social worker, a mental health counselor, or a marriage and family therapist who:

(A) Hold or have held within the past twelve months a credential in good standing from another state or territory of the United States which has a scope of practice that is substantially equivalent to or greater than the scope of practice for the corresponding license as established under this chapter; and

(B) Have no disciplinary record or disqualifying criminal history.

(b) The department shall issue a probationary license to an applicant who meets the requirements of (a)(ii) of this subsection. The department must determine what deficiencies, if any, exist between the education and experience requirements of the other state's credential and, after consideration of the experience and capabilities of the applicant, determine whether it is appropriate to require the applicant to complete additional education or experience requirements to maintain the probationary license and, within a reasonable time period, transition to a full license. A person who holds a probationary license may only practice in the relevant profession in a licensed or certified service provider, as defined in RCW 71.24.025. The department may place a reasonable time limit on a probationary license and may, if appropriate, require the applicant to pass a jurisprudential examination.

(c) The department must maintain and publish a list of credentials in other states and territories that the department has determined to have a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed advanced social workers, independent clinical social workers, mental health counselors, or marriage and family therapists as established under this chapter. The department shall prioritize identifying and publishing the department's determination for the five states or territories that have historically had the most applicants for reciprocity under subsection (1) of this section with a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed advanced social workers, independent clinical social workers, mental health counselors, and marriage and family therapists under this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 18.83 RCW to read as follows:

(1) The department must explore options for adoption of an interstate compact or compacts supporting license portability for professionals licensed under this chapter and report recommendations to the governor and legislature by November 1, 2020.

(2) This section expires June 30, 2022.

NEW SECTION. Sec. 5. A new section is added to chapter 18.205 RCW to read as follows:

(1) The department must explore options for adoption of an interstate compact or compacts supporting license portability for professionals certified under this chapter and report recommendations to the governor and legislature by November 1, 2020.

(2) This section expires June 30, 2022.

NEW SECTION. Sec. 6. A new section is added to chapter 18.225 RCW to read as follows:

(1) The department must explore options for adoption of an interstate compact or compacts supporting license portability for professionals licensed under this chapter and report recommendations to the governor and legislature by November 1, 2020.

(2) This section expires June 30, 2022."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator O'Ban moved that the Senate concur in the House amendment(s) to Senate Bill No. 5054.

Senator O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator O'Ban that the Senate concur in the House amendment(s) to Senate Bill No. 5054.

The motion by Senator O'Ban carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5054 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5054, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5054, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Salomon and Sheldon

SENATE BILL NO. 5054, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed SENATE BILL NO. 5179 with the following amendment(s): 5179 AMH TR H2766.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.77.065 and 2009 c 29 s 1 are each amended to read as follows:

The board may cause any county road to be constructed or improved by use of county forces as provided in this section.

(1) As used in this section:

(a) "County forces" means regular employees of a county; and

(b) "Road construction project costs" means the aggregate total of those costs as defined by the budgeting, accounting, and reporting system for counties and cities and other local governments authorized under RCW 43.09.200 and 43.09.230 as prescribed in the state auditor's budget, accounting, and reporting manual's (BARS) road and street construction accounts: PROVIDED, That such costs shall not include those costs assigned to the right-of-way account, ancillary operations account, preliminary engineering account, and construction engineering account in the budget, accounting, and reporting manual.

(2) For counties with a population that equals or exceeds four hundred thousand people, the total amount of road construction project costs one county may perform annually with county forces shall be no more than the total of the following amounts:

(a) Three million two hundred fifty thousand dollars; and

(b) The previous year's county motor vehicle fuel tax distribution factor, as provided for in RCW 46.68.124(5), multiplied by the amount listed in (a) of this subsection.

(3) For counties with a population that equals or exceeds one hundred fifty thousand, but is less than four hundred thousand people, the total amount of road construction project costs one county may perform annually with county forces shall be no more than the total of the following amounts:

(a) One million seven hundred fifty thousand dollars; and

(b) The previous year's county motor vehicle fuel tax distribution factor, as provided for in RCW 46.68.124(5), multiplied by the amount listed in (a) of this subsection.

(4) For counties with a population that equals or exceeds thirty thousand, but is less than one hundred fifty thousand people, the total amount of road construction project costs one county may perform annually with county forces shall be no more than the total of the following amounts:

(a) One million one hundred fifty thousand dollars; this amount shall increase to one million two hundred fifty thousand dollars effective January 1, 2012; and

(b) The previous year's county motor vehicle fuel tax distribution factor, as provided for in RCW 46.68.124(5), multiplied by the amount listed in (a) of this subsection.

(5) For counties with a population that is less than thirty thousand people, the total amount of road construction project costs one county may perform annually with county forces shall be no more than the total of the following amounts:

(a) Seven hundred thousand dollars; this amount shall increase to eight hundred thousand dollars effective January 1, 2012; and

(b) The previous year's county motor vehicle fuel tax distribution factor, as provided for in RCW 46.68.124(5), multiplied by the amount listed in (a) of this subsection.

(6) Any county whose expenditure for county forces for road construction projects exceeds the limits specified in this section, is in violation of the county road administration board's standards of good practice under RCW 36.78.020 and is in violation of this section.

(7) Notwithstanding any other provision in this section, whenever the construction work or improvement is the installation of electrical traffic control devices, highway illumination equipment, electrical equipment, wires, or equipment to convey electrical current, in an amount exceeding ~~(ten)~~ **forty** thousand dollars for any one project including labor, equipment, and materials, such work shall be performed by

contract as in this chapter provided. This section means a complete project and does not permit the construction of any project by county forces by division of the project into units of work or classes of work."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Senate Bill No. 5179.

Senators Liias and Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Senate Bill No. 5179.

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

The President declared the question before the Senate to be the final passage of Senate Bill No. 5179, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen, Salomon and Sheldon

SENATE BILL NO. 5179, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2019

MR. PRESIDENT:

The House passed SENATE BILL NO. 5260 with the following amendment(s): 5260 AMH ENGR H2378.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1)(a) The legislature finds that the governor has broad authority to proclaim a state of emergency in any area of the state under RCW 43.06.010(12), and to exercise emergency powers during the emergency. These emergency powers have historically included the ability under RCW 43.06.220(1)(h) to temporarily waive or suspend statutory obligations by prohibiting compliance with statutory provisions during a proclaimed state of emergency when the governor reasonably believed it would help preserve and maintain life, health, property, or the public peace.

(b) The legislature further finds that, in response to issues arising from flooding events in 2007, RCW 43.06.220(2) was amended by chapter 181, Laws of 2008, to explicitly authorize

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the governor to temporarily waive or suspend a set of specifically identified statutes. This amendment has become problematic for subsequent emergency response activities because it has inadvertently narrowed the governor's ability to waive or suspend statutes under RCW 43.06.220(1)(h) by issuing orders temporarily prohibiting compliance with statutes not expressly identified in RCW 43.06.220(2).

(2) The legislature intends to allow the governor to immediately respond during a proclaimed state of emergency by temporarily waiving or suspending other statutory obligations or limitations prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency.

Sec. 2. RCW 43.06.220 and 2008 c 181 s 1 are each amended to read as follows:

(1) The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(a) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(b) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(c) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(d) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

~~(e) ((The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;~~

~~(f))~~ (f) The sale, purchase or dispensing of alcoholic beverages;

~~((g))~~ (g) The sale, purchase or dispensing of other commodities or goods, as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

~~((h))~~ (h) The use of certain streets, highways or public ways by the public; and

~~((i))~~ (i) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

(2) The governor after proclaiming a state of emergency and prior to terminating such may, in the area described by the proclamation, issue an order or orders concerning waiver or suspension of statutory obligations or limitations in ~~((any or all of))~~ the following areas ~~((as further specified and limited by chapter 181, Laws of 2008))~~:

(a) Liability for participation in interlocal agreements;

(b) Inspection fees owed to the department of labor and industries;

(c) Application of the family emergency assistance program;

(d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;

(e) Application of tax due dates and penalties relating to collection of taxes; ~~((and))~~

(f) Permits for industrial, business, or medical uses of alcohol; and

(g) Such other statutory and regulatory obligations or limitations prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if

strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, unless (i) authority to waive or suspend a specific statutory or regulatory obligation or limitation has been expressly granted to another statewide elected official, (ii) the waiver or suspension would conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or (iii) the waiver or suspension would conflict with the rights, under the First Amendment, of freedom of speech or of the people to peaceably assemble. The governor shall give as much notice as practical to legislative leadership and impacted local governments when issuing orders under this subsection (2)(g).

(3) In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he or she from time to time deems necessary.

(4) No order or orders concerning waiver or suspension of statutory obligations or limitations under subsection (2) of this section may continue for longer than thirty days unless extended by the legislature through concurrent resolution. If the legislature is not in session, the waiver or suspension of statutory obligations or limitations may be extended in writing by the leadership of the senate and the house of representatives until the legislature can extend the waiver or suspension by concurrent resolution. For purposes of this section, "leadership of the senate and the house of representatives" means the majority and minority leaders of the senate and the speaker and the minority leader of the house of representatives.

(5) Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Zeiger moved that the Senate concur in the House amendment(s) to Senate Bill No. 5260.

Senator Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Zeiger that the Senate concur in the House amendment(s) to Senate Bill No. 5260.

The motion by Senator Zeiger carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5260 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5260, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5260, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Hasegawa and Short
Excused: Senators Ericksen, Salomon and Sheldon

SENATE BILL NO. 5260, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5266 with the following amendment(s): 5266-S AMH SGOV H2498.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.92.050 and 2018 c 113 s 202 are each amended to read as follows:

(1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of RCW 29A.92.020. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:

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

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

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

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

(2)(a) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.

(b) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.

(3) If a political subdivision implements a district-based election system under RCW 29A.92.040(2), the plan shall be consistent with the following criteria:

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

(b) Each district shall be reasonably compact.

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

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

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

(f) All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to subsection (2) of this section. The governing body may subsequently choose to stagger the terms of its positions.

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

(5) No later than eight months after its receipt of federal decennial census data, the governing body of the political subdivision that had previously invoked its authority under RCW 29A.92.040 to implement a district-based election system, or that was previously charged with redistricting under RCW 29A.92.110, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this chapter ((413, Laws of 2018)).

"**Sec. 2.** RCW 29A.92.110 and 2018 c 113 s 403 are each amended to read as follows:

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

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

(3) In tailoring a remedy after a finding of a violation of RCW 29A.92.020:

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

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

(c) The remedy may provide for the political subdivision to hold elections for the members of its governing body at the same time as regularly scheduled elections for statewide or federal offices. All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to this subsection (3). The governing body may subsequently choose to stagger the terms of its positions.

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(4) Within thirty days of the conclusion of any action filed under RCW 29A.92.100, the political subdivision must publish on the subdivision's web site, the outcome and summary of the action, as well as the legal costs incurred by the subdivision. If the political subdivision does not have its own web site, then it may publish on the county web site.

Sec. 3. RCW 28A.343.670 and 2015 c 53 s 15 are each amended to read as follows:

The school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more shall establish the director district boundaries. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.343.300, 28A.343.600, 28A.343.610, 28A.343.660, and ~~((28A.343.670))~~ this section. If the district is changing its director district boundaries under RCW 29A.92.040 or 29A.92.110, all director positions are subject to election at the next regular election.

Sec. 4. RCW 35.22.370 and 1965 c 7 s 35.22.370 are each amended to read as follows:

Notwithstanding that the charter of a city of the first class may forbid the city council from redividing the city into wards except at stated periods, if the city has failed to redivide the city into wards during any such period, the city council by ordinance may do so at any time thereafter: PROVIDED, That there shall not be more than one redivision into wards during any one period specified in the charter unless pursuant to RCW 29A.92.040 or 29A.92.110.

Sec. 5. RCW 35.23.051 and 2015 c 53 s 39 are each amended to read as follows:

General municipal elections in second-class cities shall be held biennially in the odd-numbered years and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

Council positions shall be numbered in each second-class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280.

In its discretion the council of a second-class city may divide the city by ordinance, into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29A.76.010. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the

wards have been established or altered unless pursuant to RCW 29A.92.040 or 29A.92.110. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmembers so designated shall be elected by the voters resident in such ward, or by general vote of the whole city as may be designated in such ordinance. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. Additional territory that is added to the city shall, by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilmember from the ward for which he or she was elected shall create a vacancy in such office.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 6. RCW 35.23.850 and 2015 c 53 s 41 are each amended to read as follows:

In any city initially classified as a second-class city prior to January 1, 1993, that retained its second-class city plan of government when the city reorganized as a noncharter code city, the city council may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards at any time less than one hundred twenty days before a municipal general election. Unless the city is dividing into wards or changing the boundaries of existing wards under RCW 29A.92.040 or 29A.92.110, no change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections. However, if these boundary changes result in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

If the city is dividing into wards or changing the boundaries of existing wards under RCW 29A.92.040 or 29A.92.110, all council positions are subject to election at the next regular election.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so. The elections for the remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

Sec. 7. RCW 35A.12.180 and 2015 c 53 s 53 are each amended to read as follows:

At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. Unless the city is dividing into wards or changing the boundaries of existing wards under RCW 29A.92.040 or 29A.92.110, no change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections: PROVIDED, That if this results in one ward being represented by more councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

If the city is dividing into wards or changing the boundaries of existing wards under RCW 29A.92.040 or 29A.92.110, all council positions are subject to election at the next regular election.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.

Sec. 8. RCW 52.14.013 and 2012 c 174 s 3 are each amended to read as follows:

The board of fire commissioners of a fire protection district may adopt a resolution by unanimous vote causing a ballot proposition to be submitted to voters of the district authorizing the creation of commissioner districts. The board of fire commissioners shall create commissioner districts if the ballot proposition authorizing the creation of commissioner districts is approved by a simple majority vote of the voters of the fire protection district voting on the proposition. Three commissioner districts shall be created for a fire protection district with three commissioners, five commissioner districts shall be created for a

fire protection district with five commissioners, and seven commissioner districts shall be created for a fire protection district with seven commissioners. No two commissioners may reside in the same commissioner district.

No change in the boundaries of any commissioner district shall be made within one hundred twenty days next before the date of a general district election, nor within twenty months after the commissioner districts have been established or altered unless pursuant to RCW 29A.92.040 or 29A.92.110. However, if a boundary change results in one commissioner district being represented by two or more commissioners, those commissioners having the shortest unexpired terms shall be assigned by the commission to commissioner districts where there is a vacancy, and the commissioners so assigned shall be deemed to be residents of the commissioner districts to which they are assigned for purposes of determining whether those positions are vacant.

The population of each commissioner district shall include approximately equal population. Commissioner districts shall be redrawn as provided in chapter 29A.76 RCW. Commissioner districts shall be used as follows: (1) Only a registered voter who resides in a commissioner district may be a candidate for, or serve as, a commissioner of the commissioner district; and (2) only voters of a commissioner district may vote at a primary to nominate candidates for a commissioner of the commissioner district. Voters of the entire fire protection district may vote at a general election to elect a person as a commissioner of the commissioner district.

When a board of fire commissioners that has commissioner districts has been increased to five or seven members under RCW 52.14.015, the board of fire commissioners shall divide the fire protection district into five or seven commissioner districts before it appoints the two or four additional fire commissioners. The two or four additional fire commissioners who are appointed shall reside in separate commissioner districts in which no other fire commissioner resides.

Sec. 9. RCW 53.16.015 and 2015 c 53 s 82 are each amended to read as follows:

The port commission of a port district that uses commissioner districts may redraw the commissioner district boundaries as provided in chapter 29A.76 RCW or RCW 29A.92.040 or 29A.92.110 at any time and submit the redrawn boundaries to the county auditor if the port district is not coterminous with a county that has the same number of county legislative authority districts as the port has port commissioners. The new commissioner districts shall be used at the next election at which a port commissioner is regularly elected that occurs at least one hundred eighty days after the redrawn boundaries have been submitted. Each commissioner district shall encompass as nearly as possible the same population.

Sec. 10. RCW 53.16.030 and 1992 c 146 s 11 are each amended to read as follows:

Any change of boundary lines provided for in this chapter shall not affect the term for which a commissioner shall hold office at the time the change is made. If the port district commission is redrawing the commissioner district boundaries pursuant to RCW 29A.92.040 or 29A.92.110, each commissioner position is subject to election at the next general election.

NEW SECTION. **Sec. 11.** This act applies retroactively to January 16, 2019.

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.

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NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5266.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5266.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5266 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5266, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5266, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Ericksen, Salomon and Sheldon

SUBSTITUTE SENATE BILL NO. 5266, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5272 with the following amendment(s): 5272-S.E AMH DOGL GEIG 116

On page 2, after line 29, insert the following:

"(9) The Washington state patrol must enter into an intergovernmental agreement, with a county, city, or regional communications agency that operates emergency communications systems, for purposes of interoperable communications, if the following conditions are met:

(a) The intergovernmental agreement is requested by the county, city, or regional communications agency for this purpose; and

(b) The terms and conditions are mutually agreeable."

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hunt moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5272.

Senators Hunt and Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5272.

The motion by Senator Hunt carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5272 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5272, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5272, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Braun, Carlyle, Fortunato, Hasegawa, King, O'Ban, Padden, Rivers, Schoesler and Wilson, L.

Excused: Senators Ericksen, Salomon and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5287 with the following amendment(s): 5287-S2 AMH SGOV H2761.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 44.05 RCW to read as follows:

(1) After April 1st of each year ending in zero, and by July 1st of each year ending in zero, the department of corrections shall furnish to the redistricting commission the following information regarding the last known place of residence of each inmate incarcerated in a state adult correctional facility:

(a) A unique identifier, other than the inmate's department of corrections number; and

(b) Last known place of residence information sufficiently specific to determine the congressional and state legislative

districts in which the inmate's last known place of residence is located.

(2) After April 1st of each year ending in zero, and by July 1st of each year ending in zero, the department of social and health services shall furnish to the redistricting commission the following information regarding the last known place of residence of each person committed to receive involuntary behavioral health treatment under chapter 71.05 RCW:

(a) A unique identifier, other than the person's patient identification number; and

(b) Last known place of residence information sufficiently specific to determine the congressional and state legislative districts in which the resident's last known place of residence is located.

(3) After April 1st of each year ending in zero, and by July 1st of each year ending in zero, the department of children, youth, and families shall furnish to the redistricting commission the following information regarding the last known place of residence of each person residing or placed in a juvenile justice facility:

(a) A unique identifier, other than the person's patient identification number; and

(b) Last known place of residence information sufficiently specific to determine the congressional and state legislative districts in which the resident's last known place of residence is located.

(4) The redistricting commission shall:

(a) Deem each inmate incarcerated in a state adult correctional facility and person residing or placed in a juvenile justice facility or committed to receive involuntary behavioral health treatment under chapter 71.05 RCW as residing at his or her last known place of residence, rather than at the institution of his or her incarceration, residence, or placement;

(b) Regardless of the form in which the information is furnished, refrain from publishing any information regarding a specific inmate's or resident's last known place of residence;

(c) Deem an inmate or resident in state custody in Washington whose last known place of residence is outside of Washington or whose last known place of residence cannot be determined to reside at the location of the facility in which the inmate or resident is incarcerated, placed, or committed; and

(d) Adjust race and ethnicity data in districts, wards, and precincts in a manner that reflects the inclusion of inmates and residents in the population count of the district, ward, or precinct of their last known place of residence.

(5) For purposes of this section:

(a) "Inmate incarcerated in a state adult correctional facility" includes an inmate who has been transferred to a facility outside of Washington to complete his or her term of incarceration.

(b) "Last known place of residence" means the address at which the inmate or resident was last domiciled prior to his or her placement or current term of incarceration, as reported by the inmate or resident.

(c) "Person residing or placed in a juvenile justice facility" and "person committed to receive involuntary behavioral health treatment under chapter 71.05 RCW" include a person who has been transferred to a facility outside of Washington.

(d) "Resident" means persons residing or placed in a juvenile justice facility or committed to receive involuntary behavioral health treatment under chapter 71.05 RCW.

Sec. 2. RCW 44.05.090 and 1990 c 126 s 1 are each amended to read as follows:

In the redistricting plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on

the population reported in the federal decennial census as adjusted by section 1 of this act.

(2) To the extent consistent with subsection (1) of this section the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible;

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; and

(c) Whenever practicable, a precinct shall be wholly within a single legislative district.

(3) The commission's plan and any plan adopted by the supreme court under RCW 44.05.100(4) shall provide for forty-nine legislative districts.

(4) The house of representatives shall consist of ninety-eight members, two of whom shall be elected from and run at large within each legislative district. The senate shall consist of forty-nine members, one of whom shall be elected from each legislative district.

(5) The commission shall exercise its powers to provide fair and effective representation and to encourage electoral competition. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5287.

Senator Darneille spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5287.

The motion by Senator Darneille carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5287 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5287, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5287, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo,

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Pedersen, Randall, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Ericksen, Salomon and Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 5287, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5298 with the following amendment(s): 5298-S.E AMH ENGR H2727.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to allow additional information on the labels and labeling of marijuana products to assist consumers in making purchases of these products.

The legislature declares that labels and labeling should not make any disease claim indicating the product is intended for use in the diagnosis, treatment, cure, or prevention of any disease.

The legislature recognizes that it may be useful for a label or labeling to describe the intended role of a marijuana product that contains nutrients or other dietary ingredients, including herbs and other botanicals, to maintain a structure or function of the body, or characterize the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

Sec. 2. RCW 69.50.345 and 2018 c 43 s 2 are each amended to read as follows:

The state liquor and cannabis board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of marijuana producers, marijuana processors, and marijuana retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for marijuana producers must request the applicant to state whether the applicant intends to produce marijuana for sale by marijuana retailers holding medical marijuana endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products sold to qualifying patients.

(b) The state liquor and cannabis board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24, 2015, and increase the percentage of production space for those marijuana producers who intend to grow plants for marijuana retailers holding medical marijuana endorsements if the marijuana producer designates the increased production space to plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for marijuana concentrates, useable marijuana, or marijuana-infused products to

be sold to qualifying patients. If current marijuana producers do not use all the increased production space, the state liquor and cannabis board may reopen the license period for new marijuana producer license applicants but only to those marijuana producers who agree to grow plants for marijuana retailers holding medical marijuana endorsements. Priority in licensing must be given to marijuana producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new marijuana producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical marijuana authorization database established in RCW 69.51A.230;

(2) Determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

- (a) Population distribution;
- (b) Security and safety issues;
- (c) The provision of adequate access to licensed sources of marijuana concentrates, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market; and

(d) The number of retail outlets holding medical marijuana endorsements necessary to meet the medical needs of qualifying patients. The state liquor and cannabis board must reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical marijuana authorization database established in RCW 69.51A.230;

(3) Determining the maximum quantity of marijuana a marijuana producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of marijuana concentrates, useable marijuana, and marijuana-infused products a marijuana retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the state liquor and cannabis board shall take into consideration:

- (a) Security and safety issues;
- (b) The provision of adequate access to licensed sources of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products to discourage purchases from the illegal market; and
- (c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products, and their labeling requirements ~~(, to include but not be limited to:~~

~~(a) The business or trade name and Washington state unified business identifier number of the licensees that produced and processed the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;~~

~~(b) Lot numbers of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;~~

~~(c) THC concentration and CBD concentration of the marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product;~~

~~(d) Medically and scientifically accurate information about the health and safety risks posed by marijuana use; and~~

~~(e) Language required by RCW 69.04.480);~~

(8) In consultation with the department of agriculture and the department, establishing classes of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the state liquor and cannabis board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

(a) Federal laws relating to marijuana that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising;

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by marijuana use in the advertising; and

(d) Ensuring that retail outlets with medical marijuana endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products within the state;

(11) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the state liquor and cannabis board, and prescribing methods of producing, processing, and packaging marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the state liquor and cannabis board.

Sec. 3. RCW 69.50.346 and 2018 c 43 s 1 are each amended to read as follows:

(1) The label on a marijuana product container, including marijuana concentrates, useable marijuana, or marijuana-infused products, sold at retail(=

~~(+))~~ must include:

(a) The business or trade name and Washington state unified business identifier number of the marijuana producer and processor ((that produced and processed the marijuana as required pursuant to RCW 69.50.345(7); and

~~(2) Is);~~

(b) The lot numbers of the product;

(c) The THC concentration and CBD concentration of the product;

(d) Medically and scientifically accurate and reliable information about the health and safety risks posed by marijuana use;

(e) Language required by RCW 69.04.480; and

(f) A disclaimer, subject to the following conditions:

(i) Where there is one statement made under subsection (2) of this section, or as described in subsection (5)(b) of this section, the disclaimer must state "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."; and

(ii) Where there is more than one statement made under subsection (2) of this section, or as described in subsection (5)(b) of this section, the disclaimer must state "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(2)(a) For marijuana products that have been identified by the department in rules adopted under RCW 69.50.375(4) in chapter 246-70 WAC as being a compliant marijuana product, the product label and labeling may include a structure or function claim describing the intended role of a product to maintain the structure or any function of the body, or characterize the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

(b) A statement made under (a) of this subsection may not claim to diagnose, mitigate, treat, cure, or prevent any disease.

(3) The labels and labeling may not be:

(a) False or misleading; or

(b) Especially appealing to children.

(4) The label is not required to include the business or trade name or Washington state unified business identifier number of, or any information about, the marijuana retailer selling the marijuana product.

(5) A marijuana product is not in violation of any Washington state law or rule of the Washington state liquor and cannabis board solely because its label or labeling contains:

(a) Directions or recommended conditions of use; or

(b) A warning describing the psychoactive effects of the marijuana product, provided that the warning is truthful and not misleading.

(6) This section does not create any civil liability on the part of the state, the liquor and cannabis board, any other state agency, officer, employee, or agent based on a marijuana licensee's description of a structure or function claim or the product's intended role under subsection (2) of this section.

(7) Nothing in this section shall apply to a drug, as defined in RCW 69.50.101, or a pharmaceutical product approved by the United States food and drug administration.

Sec. 4. RCW 82.08.9998 and 2015 2nd sp.s. c 4 s 207 are each amended to read as follows:

(1) ((Beginning July 1, 2016,)) The tax levied by RCW 82.08.020 does not apply to:

(a) Sales of marijuana concentrates, useable marijuana, or marijuana-infused products, identified by the department of health in rules adopted under RCW ((69.50.375 to be beneficial for medical use)) 69.50.375(4) in chapter 246-70 WAC as being a compliant marijuana product, by marijuana retailers with medical marijuana endorsements to qualifying patients or designated providers who have been issued recognition cards;

(b) Sales of products containing THC with a THC concentration of 0.3 percent or less to qualifying patients or designated providers who have been issued recognition cards by marijuana retailers with medical marijuana endorsements;

(c) Sales of marijuana concentrates, useable marijuana, or marijuana-infused products, identified by the department of health under RCW 69.50.375 to have a low THC, high CBD ratio,

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and to be beneficial for medical use, by marijuana retailers with medical marijuana endorsements, to any person;

(d) Sales of topical, noningestible products containing THC with a THC concentration of 0.3 percent or less by health care professionals under RCW 69.51A.280;

(e)(i) Marijuana, marijuana concentrates, useable marijuana, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less produced by a cooperative and provided to its members; and

(ii) Any nonmonetary resources and labor contributed by an individual member of the cooperative in which the individual is a member. However, nothing in this subsection (1)(e) may be construed to exempt the individual members of a cooperative from the tax imposed in RCW 82.08.020 on any purchase of property or services contributed to the cooperative.

~~(2) ((From July 1, 2015, until July 1, 2016, the tax levied by RCW 82.08.020 does not apply to sales of marijuana, marijuana concentrates, useable marijuana, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less, by collective gardens under RCW 69.51A.085 to qualifying patients or designated providers, if such sales are in compliance with chapter 69.51A RCW.~~

~~(3))~~ Each seller making exempt sales under subsection (1) ~~((or~~ ~~(2)))~~ of this section must maintain information establishing eligibility for the exemption in the form and manner required by the department.

~~((4))~~ (3) The department must provide a separate tax reporting line for exemption amounts claimed under this section.

~~((5))~~ (4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Cooperative" means a cooperative authorized by and operating in compliance with RCW 69.51A.250.

(b) "Marijuana retailer with a medical marijuana endorsement" means a marijuana retailer permitted under RCW 69.50.375 to sell marijuana for medical use to qualifying patients and designated providers.

(c) "Products containing THC with a THC concentration of 0.3 percent or less" means all products containing THC with a THC concentration not exceeding 0.3 percent and that, when used as intended, are inhalable, ingestible, or absorbable.

(d) "THC concentration," "marijuana," "marijuana concentrates," "useable marijuana," "marijuana retailer," and "marijuana-infused products" have the same meanings as provided in RCW 69.50.101 and the terms "qualifying patients," "designated providers," and "recognition card" have the same meaning as provided in RCW 69.51A.010.

Sec. 5. RCW 82.12.9998 and 2015 2nd sp.s. c 4 s 208 are each amended to read as follows:

~~(1) ((From July 1, 2015, until July 1, 2016, the provisions of this chapter do not apply to the use of marijuana, marijuana concentrates, useable marijuana, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less, by a collective garden under RCW 69.51A.085, and the qualifying patients or designated providers participating in the collective garden, if such use is in compliance with chapter 69.51A RCW.~~

~~(2) Beginning July 1, 2016,))~~ (1) The provisions of this chapter do not apply to:

(a) The use of marijuana concentrates, useable marijuana, or marijuana-infused products, identified by the department of health in rules adopted under RCW ~~((69.50.375 to be beneficial for medical use))~~ 69.50.375(4) in chapter 246-70 WAC as being a compliant marijuana product, by qualifying patients or designated providers who have been issued recognition cards and

have obtained such products from a marijuana retailer with a medical marijuana endorsement.

(b) The use of products containing THC with a THC concentration of 0.3 percent or less by qualifying patients or designated providers who have been issued recognition cards and have obtained such products from a marijuana retailer with a medical marijuana endorsement.

(c)(i) Marijuana retailers with a medical marijuana endorsement with respect to:

(A) Marijuana concentrates, useable marijuana, or marijuana-infused products; or

(B) Products containing THC with a THC concentration of 0.3 percent or less;

(ii) The exemption in this subsection ~~((2))~~ (1)(c) applies only if such products are provided at no charge to a qualifying patient or designated provider who has been issued a recognition card. Each such retailer providing such products at no charge must maintain information establishing eligibility for this exemption in the form and manner required by the department.

(d) The use of marijuana concentrates, useable marijuana, or marijuana-infused products, identified by the department of health under RCW 69.50.375 to have a low THC, high CBD ratio, and to be beneficial for medical use, purchased from marijuana retailers with a medical marijuana endorsement.

(e) Health care professionals with respect to the use of products containing THC with a THC concentration of 0.3 percent or less provided at no charge by the health care professionals under RCW 69.51A.280. Each health care professional providing such products at no charge must maintain information establishing eligibility for this exemption in the form and manner required by the department.

(f) The use of topical, noningestible products containing THC with a THC concentration of 0.3 percent or less by qualifying patients when purchased from or provided at no charge by a health care professional under RCW 69.51A.280.

(g) The use of:

(i) Marijuana, marijuana concentrates, useable marijuana, marijuana-infused products, or products containing THC with a THC concentration of 0.3 percent or less, by a cooperative and its members, when produced by the cooperative; and

(ii) Any nonmonetary resources and labor by a cooperative when contributed by its members. However, nothing in this subsection ~~((2))~~ (1)(g) may be construed to exempt the individual members of a cooperative from the tax imposed in RCW 82.12.020 on the use of any property or services purchased by the member and contributed to the cooperative.

~~((3))~~ (2) The definitions in RCW 82.08.9998 apply to this section.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2020."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5298.

Senators Rivers and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5298.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5298 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5298, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5298, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Bailey, Brown, Honeyford, Padden and Short

Excused: Senators Ericksen and Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5298, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5318 with the following amendment(s): 5318-S.E AMH ENGR H2875.E

Strike everything after the enacting clause and insert the following:

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

(1) In the years since the creation of a legal and regulated marketplace for adult use of cannabis, the industry, stakeholders, and state agencies have collaborated to develop a safe, fully regulated marketplace.

(2) As the regulated marketplace has been developing, Washington residents with a strong entrepreneurial spirit have taken great financial and personal risk to become licensed and part of this nascent industry.

(3) It should not be surprising that mistakes have been made both by licensees and regulators, and that both have learned from these mistakes leading to a stronger, safer industry.

(4) While a strong focus on enforcement is an important component of the regulated marketplace, a strong focus on compliance and education is also critically necessary to assist licensees who strive for compliance and in order to allow the board to focus its enforcement priorities on those violations that directly harm public health and safety.

(5) The risk taking entrepreneurs who are trying to comply with board regulations should not face punitive consequences for mistakes made during this initial phase of the industry that did not pose a direct threat to public health and safety.

NEW SECTION. Sec. 2. A new section is added to chapter 43.05 RCW to read as follows:

(1) If, during an inspection or visit to a marijuana business licensed under chapter 69.50 RCW that is not a technical assistance visit, the liquor and cannabis board becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the board and are not subject to civil penalties as provided for in section 3 of this act, the board may issue a notice of correction to the licensee that includes:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable state law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the board requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the board or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the board.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the liquor and cannabis board issues a notice of correction, it may not issue a civil penalty for the violations identified in the notice of correction unless the licensee fails to comply with the notice.

NEW SECTION. Sec. 3. A new section is added to chapter 69.50 RCW to read as follows:

(1) The liquor and cannabis board may issue a civil penalty without first issuing a notice of correction if:

(a) The licensee has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule;

(b) Compliance is not achieved by the date established by the liquor and cannabis board in a previously issued notice of correction and if the board has responded to a request for review of the date by reaffirming the original date or establishing a new date; or

(c) The board can prove by a preponderance of the evidence:

(i) Diversion of marijuana product to the illicit market or sales across state lines;

(ii) Furnishing of marijuana product to minors;

(iii) Diversion of revenue to criminal enterprises, gangs, cartels, or parties not qualified to hold a marijuana license based on criminal history requirements;

(iv) The commission of nonmarijuana-related crimes; or

(v) Knowingly making a misrepresentation of fact to the board, an officer of the board, or an employee of the board related to conduct or an action that is, or is alleged to be, any of the violations identified in (c)(i) through (c)(iv) of this subsection (1).

(2) The liquor and cannabis board may adopt rules to implement this section and section 2 of this act.

Sec. 4. RCW 69.50.342 and 2015 2nd sp.s. c 4 s 1601 are each amended to read as follows:

(1) For the purpose of carrying into effect the provisions of chapter 3, Laws of 2013 according to their true intent or of supplying any deficiency therein, the state liquor and cannabis board may adopt rules not inconsistent with the spirit of chapter 3, Laws of 2013 as are deemed necessary or advisable. Without limiting the generality of the preceding sentence, the state liquor and cannabis board is empowered to adopt rules regarding the following:

(a) The equipment and management of retail outlets and premises where marijuana is produced or processed, and

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inspection of the retail outlets and premises where marijuana is produced or processed;

(b) The books and records to be created and maintained by licensees, the reports to be made thereon to the state liquor and cannabis board, and inspection of the books and records;

(c) Methods of producing, processing, and packaging marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products; conditions of sanitation; safe handling requirements; approved pesticides and pesticide testing requirements; and standards of ingredients, quality, and identity of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products produced, processed, packaged, or sold by licensees;

(d) Security requirements for retail outlets and premises where marijuana is produced or processed, and safety protocols for licensees and their employees;

(e) Screening, hiring, training, and supervising employees of licensees;

(f) Retail outlet locations and hours of operation;

(g) Labeling requirements and restrictions on advertisement of marijuana, useable marijuana, marijuana concentrates, cannabis health and beauty aids, and marijuana-infused products for sale in retail outlets;

(h) Forms to be used for purposes of this chapter and chapter 69.51A RCW or the rules adopted to implement and enforce these chapters, the terms and conditions to be contained in licenses issued under this chapter and chapter 69.51A RCW, and the qualifications for receiving a license issued under this chapter and chapter 69.51A RCW, including a criminal history record information check. The state liquor and cannabis board may submit any criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The state liquor and cannabis board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation;

(i) Application, reinstatement, and renewal fees for licenses issued under this chapter and chapter 69.51A RCW, and fees for anything done or permitted to be done under the rules adopted to implement and enforce this chapter and chapter 69.51A RCW;

(j) The manner of giving and serving notices required by this chapter and chapter 69.51A RCW or rules adopted to implement or enforce these chapters;

(k) Times and periods when, and the manner, methods, and means by which, licensees transport and deliver marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products within the state;

(l) Identification, seizure, confiscation, destruction, or donation to law enforcement for training purposes of all marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products produced, processed, sold, or offered for sale within this state which do not conform in all respects to the standards prescribed by this chapter or chapter 69.51A RCW or the rules adopted to implement and enforce these chapters.

(2) Rules adopted on retail outlets holding medical marijuana endorsements must be adopted in coordination and consultation with the department.

(3) The board must adopt rules to perfect and expand existing programs for compliance education for licensed marijuana businesses and their employees. The rules must include a voluntary compliance program created in consultation with licensed marijuana businesses and their employees. The voluntary

compliance program must include recommendations on abating violations of this chapter and rules adopted under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 69.50 RCW to read as follows:

(1) The board may grant a licensee's application for advice and consultation as provided in RCW 69.50.342(3) and visit the licensee's licensed premises in order to provide such advice and consultation. Advice and consultation services are limited to the matters specified in the request affecting the interpretation and applicability of the standards in this chapter to the conditions, structures, machines, equipment, apparatus, devices, materials, methods, means, and practices in the licensee's licensed premises. The board may provide for an alternative means of affording consultation and advice other than on-site consultation.

(2) The board must make recommendations on eliminating areas of concern disclosed within the scope of the on-site consultation. A visit to a licensee's licensed premises may not be considered an inspection or investigation under this chapter. During the visit, the board may not issue notices or citations and may not assess civil penalties. However, if the on-site visit discloses a violation with a direct or immediate relationship to public safety and the violation is not corrected, the board may investigate.

(3) This section does not provide immunity to a licensee who has applied for consultative services from inspections or investigations conducted under this chapter or from any inspection conducted as a result of a complaint before, during, or after the provision of consultative services.

(4) This section does not require an inspection of a licensee's licensed premises that has been visited for consultative purposes. However, if the premises are inspected after a visit, the board may consider any information obtained during the consultation visit in determining the nature of an alleged violation and the amount of penalties to be assessed, if any.

(5) Rules adopted under section 6 of this act must provide that violations with a direct or immediate relationship to public safety discovered during the consultation visit must be corrected within a specified period of time and an inspection must be conducted at the end of that time period.

(6) All licensees requesting consultative services must be advised of this section and the rules adopted by the board relating to the voluntary compliance program. Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services in accordance with this section are not subject to inspection pursuant to chapter 42.56 RCW.

(7) The board may adopt rules on the frequency, manner, and method of providing consultative services to licensees. Rules may include scheduling of consultative services and prioritizing requests for the services while maintaining the enforcement requirements of this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 69.50 RCW to read as follows:

(1) The board must prescribe procedures for the following:

(a) Issuance of written warnings or notices to correct in lieu of penalties, sanctions, or other violations with respect to regulatory violations that have no direct or immediate relationship to public safety as defined by the board;

(b) Waiving any fines, civil penalties, or administrative sanctions for violations, that have no direct or immediate relationship to public safety, and are corrected by the licensee within a reasonable amount of time as designated by the board; and

(c) A compliance program in accordance with chapter 43.05 RCW and RCW 69.50.342, whereby licensees may request compliance assistance and inspections without issuance of a penalty, sanction, or other violation provided that any noncompliant issues are resolved within a specified period of time.

(2) The board must adopt rules prescribing penalties for violations of this chapter. The board:

(a) May establish escalating penalties for violation of this chapter, provided that the cumulative effect of any such escalating penalties cannot last beyond two years and the escalation applies only to multiple violations that are the same or similar in nature;

(b) May not include cancellation of a license for a single violation, unless the board can prove by a preponderance of the evidence:

(i) Diversion of marijuana product to the illicit market or sales across state lines;

(ii) Furnishing of marijuana product to minors;

(iii) Diversion of revenue to criminal enterprises, gangs, cartels, or parties not qualified to hold a marijuana license based on criminal history requirements;

(iv) The commission of nonmarijuana-related crimes; or

(v) Knowingly making a misrepresentation of fact to the board, an officer of the board, or an employee of the board related to conduct or an action that is, or alleged to be, any of the violations identified in (b)(i) through (b)(iv) of this subsection (2);

(c) May include cancellation of a license for cumulative violations only if a marijuana licensee commits at least four violations within a two-year period of time;

(d) Must consider aggravating and mitigating circumstances and deviate from the prescribed penalties accordingly, and must authorize enforcement officers to do the same, provided that such penalty may not exceed the maximum escalating penalty prescribed by the board for that violation; and

(e) Must give substantial consideration to mitigating any penalty imposed on a licensee when there is employee misconduct that led to the violation and the licensee:

(i) Established a compliance program designed to prevent the violation;

(ii) Performed meaningful training with employees designed to prevent the violation; and

(iii) Had not enabled or ignored the violation or other similar violations in the past.

(3) The board may not consider any violation that occurred more than two years prior as grounds for denial, suspension, revocation, cancellation, or nonrenewal, unless the board can prove by a preponderance of the evidence that the prior administrative violation evidences:

(a) Diversion of marijuana product to the illicit market or sales across state lines;

(b) Furnishing of marijuana product to minors;

(c) Diversion of revenue to criminal enterprises, gangs, cartels, or parties not qualified to hold a marijuana license based on criminal history requirements;

(d) The commission of nonmarijuana-related crimes; or

(e) Knowingly making a misrepresentation of fact to the board, an officer of the board, or an employee of the board related to conduct or an action that is, or is alleged to be, any of the violations identified in (a) through (d) of this subsection (3).

Sec. 7. RCW 69.50.331 and 2017 c 317 s 2 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW

69.50.385, or sell marijuana, or for the renewal of a license to produce, process, research, transport, or deliver marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products subject to the regulations established under RCW 69.50.385, or sell marijuana, the ~~((state liquor and cannabis))~~ board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) The ~~((state liquor and cannabis))~~ board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, cancellation, or renewal or denial thereof, of any license, the ~~((state liquor and cannabis))~~ board may consider any prior criminal ~~((conduct))~~ arrests or convictions of the applicant ~~((including an))~~, any public safety administrative violation history record with the ~~((state liquor and cannabis))~~ board, and a criminal history record information check. The ~~((state liquor and cannabis))~~ board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The ~~((state liquor and cannabis))~~ board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to these cases. Subject to the provisions of this section, the ~~((state liquor and cannabis))~~ board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section. Authority to approve an uncontested or unopposed license may be granted by the ~~((state liquor and cannabis))~~ board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

(b) No license of any kind may be issued to:

(i) A person under the age of twenty-one years;

(ii) A person doing business as a sole proprietor who has not lawfully resided in the state for at least six months prior to applying to receive a license;

(iii) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or

(iv) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The ~~((state liquor and cannabis))~~ board may, in its discretion, subject to ~~((the provisions of))~~ sections 2, 3, and 6 of this act, RCW 69.50.334, and 69.50.342(3) suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, researching, or selling marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products thereunder must be suspended or terminated, as the case may be.

(b) The ~~((state liquor and cannabis))~~ board must immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the ~~((state liquor and cannabis))~~ board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

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(c) The ~~((state liquor and cannabis))~~ board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, ~~((and to))~~ receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, and consider mitigating and aggravating circumstances in any case and deviate from any prescribed penalty, under rules ~~((and regulations))~~ the ~~((state liquor and cannabis))~~ board may adopt.

(d) Witnesses must be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the ~~((state liquor and cannabis))~~ board or a subpoena issued by the ~~((state liquor and cannabis))~~ board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, compels obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the ~~((state liquor and cannabis))~~ board. Where the license has been suspended only, the ~~((state liquor and cannabis))~~ board must return the license to the licensee at the expiration or termination of the period of suspension. The ~~((state liquor and cannabis))~~ board must notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this chapter is subject to all conditions and restrictions imposed by this chapter or by rules adopted by the ~~((state liquor and cannabis))~~ board to implement and enforce this chapter. All conditions and restrictions imposed by the ~~((state liquor and cannabis))~~ board in the issuance of an individual license must be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee must post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee may employ any person under the age of twenty-one years.

(7)(a) Before the ~~((state liquor and cannabis))~~ board issues a new or renewed license to an applicant it must give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns, or to the tribal government if the application is for a license within Indian country, or to the port authority if the application for a license is located on property owned by a port authority.

(b) The incorporated city or town through the official or employee selected by it, the county legislative authority or the official or employee selected by it, the tribal government, or port authority has the right to file with the ~~((state liquor and cannabis))~~ board within twenty days after the date of transmittal of the notice

for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The ~~((state liquor and cannabis))~~ board may extend the time period for submitting written objections upon request from the authority notified by the ~~((state liquor and cannabis))~~ board.

(c) The written objections must include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the ~~((state liquor and cannabis))~~ board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the ~~((state liquor and cannabis))~~ board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, ~~((state liquor and cannabis))~~ board representatives must present and defend the ~~((state liquor and cannabis))~~ board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the ~~((state liquor and cannabis))~~ board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8)(a) Except as provided in (b) through (d) of this subsection, the ~~((state liquor and cannabis))~~ board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

(c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The ~~((state liquor and cannabis))~~ board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

- (i) Meets a security standard exceeding that which applies to marijuana producer, processor, or retailer licensees;
- (ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and
- (iii) Bears no advertising or signage indicating that it is a marijuana research facility.

(e) The ~~((state liquor and cannabis))~~ board may not issue a license for any premises within Indian country, as defined in 18 U.S.C. Sec. 1151, including any fee patent lands within the exterior boundaries of a reservation, without the consent of the

federally recognized tribe associated with the reservation or Indian country.

(9) A city, town, or county may adopt an ordinance prohibiting a marijuana producer or marijuana processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.

(10) In determining whether to grant or deny a license or renewal of any license, the ~~((state liquor and cannabis))~~ board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

NEW SECTION. Sec. 8. A new section is added to chapter 69.50 RCW to read as follows:

(1) This section applies to the board's issuance of administrative violations to licensed marijuana producers, processors, retailers, transporters, and researchers, when a settlement conference is held between a hearing officer or designee of the board and the marijuana licensee that received a notice of an alleged administrative violation or violations.

(2) If a settlement agreement is entered between a marijuana licensee and a hearing officer or designee of the board at or after a settlement conference, the terms of the settlement agreement must be given substantial weight by the board.

(3) For the purposes of this section:

(a) "Settlement agreement" means the agreement or compromise between a licensed marijuana producer, processor, retailer, researcher, transporter, or researcher and the hearing officer or designee of the board with authority to participate in the settlement conference, that:

(i) Includes the terms of the agreement or compromise regarding an alleged violation or violations by the licensee of this chapter, chapter 69.51A RCW, or rules adopted under either chapter, and any related penalty or licensing restriction; and

(ii) Is in writing and signed by the licensee and the hearing officer or designee of the board.

(b) "Settlement conference" means a meeting or discussion between a licensed marijuana producer, processor, retailer, researcher, transporter, researcher, or authorized representative of any of the preceding licensees, and a hearing officer or designee of the board, held for purposes such as discussing the circumstances surrounding an alleged violation of law or rules by the licensee, the recommended penalty, and any aggravating or mitigating factors, and that is intended to resolve the alleged violation before an administrative hearing or judicial proceeding is initiated.

Sec. 9. RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and amended to read as follows:

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

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(d) "CBD product" means any product containing or consisting of cannabidiol.

(e) "Commission" means the pharmacy quality assurance commission.

(f) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules, but does not include industrial hemp as defined in RCW 15.120.010.

(g)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or chapter 69.77 RCW to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(h) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(i) "Department" means the department of health.

(j) "Designated provider" has the meaning provided in RCW 69.51A.010.

(k) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(l) "Dispenser" means a practitioner who dispenses.

(m) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(n) "Distributor" means a person who distributes.

(o) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled

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substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(p) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(q) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(r) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(s) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(t) "Isomer" means an optical isomer, but in subsection (ff)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(u) "Lot" means a definite quantity of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(v) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product.

(w) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(x) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every

compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or

(2) Industrial hemp as defined in RCW 15.120.010.

(y) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(z) "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

(aa) "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(bb) "Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

(cc) "Marijuana researcher" means a person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

(dd) "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

(ee) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection (x) of this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

(ff) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(gg) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(hh) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(ii) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(jj) "Plant" has the meaning provided in RCW 69.51A.010.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical quality assurance commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(mm) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(nn) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(oo) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(pp) "Recognition card" has the meaning provided in RCW 69.51A.010.

(qq) "Retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

(rr) "Secretary" means the secretary of health or the secretary's designee.

(ss) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(tt) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(uu) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(vv) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates.

(ww) "Board" means the Washington state liquor and cannabis board.

Sec. 10. RCW 42.56.270 and 2018 c 201 s 8008, 2018 c 196 s 21, and 2018 c 4 s 9 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

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(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with section 5 of this act;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in

aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70.95N.190(4);

(22) Financial information supplied to the department of financial institutions or to a portal under RCW 21.20.883, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the

providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board; and

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information; and

(30) Proprietary information filed with the department of health under chapter 69.48 RCW."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5318.

Senators Rivers and Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5318.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5318 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5318, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5318, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Bailey, Brown, Honeyford and Padden

Excused: Senators Ericksen and Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5318, as amended by the House, having received the constitutional

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

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5284 with the following amendment(s): 5284-S2.E AMH ENGR H2754.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.44.110 and 1995 c 369 s 34 are each amended to read as follows:

(1) Smoke detection devices shall be installed inside all dwelling units:

(a) Occupied by persons other than the owner on and after December 31, 1981; ~~((¶))~~

(b) Built or manufactured in this state after December 31, 1980;

or

(c) Sold on or after the effective date of this section.

(2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:

(a) Nationally accepted standards; and

(b) As provided by the administrative procedure act, chapter 34.05 RCW, rules and regulations promulgated by the chief of the Washington state patrol, through the director of fire protection.

(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices, including the replacement of batteries where required for the proper operation of the smoke detection device, shall be the responsibility of the tenant, who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.

(4)(a) For any dwelling unit sold on or after the effective date of this section that does not have at least one smoke detection device, the seller shall provide at least one smoke detection device in the dwelling unit before the buyer or any other person occupies the dwelling unit following such sale. A violation of this subsection does not affect the transfer of the title, ownership, or possession of the dwelling unit.

(b) Real estate brokers licensed under chapter 18.85 RCW are not liable in any civil, administrative, or other proceeding for the failure of any seller or other property owner to comply with the requirements of this section.

(c) Any person or entity that assists the buyer of a dwelling with installing a smoke detection device, whether they are voluntarily doing so or as a nonprofit, is not liable in any civil, administrative, or other proceeding relating to the installation of the smoke detection device.

(d) Interconnection of smoke detection devices is not required where not already present in buildings undergoing repairs undertaken solely as a condition of sale.

(5)(a) Except as provided in (b) of this subsection (5), any owner, seller, or tenant failing to comply with this section shall be punished by a fine of not more than two hundred dollars.

((§)) (b) Any owner failing to comply with this section shall be punished by a fine of five thousand dollars if, after such failure, a fire causes property damage, personal injury, or death to a tenant or a member of a tenant's household. All moneys received pursuant to (a) or (b) of this subsection, except for administrative costs for enforcing the fine, shall be deposited into the smoke

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detection device awareness account created in section 2 of this act. Enforcement shall occur after a fire occurs and when it is evident that the dwelling unit sold on or after the effective date of this section did not have at least one smoke detection device. The following may enforce this subsection:

(i) The chief of the fire department if the dwelling unit is located within a city or town; or

(ii) The county fire marshal or other fire official so designated by the county legislative authority if the dwelling unit is located within unincorporated areas of a county.

(6) For the purposes of this section:

(a) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) "Smoke detection device" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation.

NEW SECTION. Sec. 2. A new section is added to chapter 43.44 RCW to read as follows:

The smoke detection device awareness account is created in the custody of the state treasurer. All receipts from fines imposed pursuant to RCW 43.44.110(5) must be deposited into the account. Expenditures from the account may be used only for the purposes of raising public awareness of owners and tenants' duties pertaining to smoke detection devices under RCW 43.44.110 and of the danger to life and property resulting from a failure to comply with those duties and for administrative costs related to enforcement of the fine created in RCW 43.44.110(5)(b). Only the Washington state patrol, through the director of fire protection or the director of fire protection's authorized deputy, may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 3. RCW 64.06.020 and 2015 c 110 s 1 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller is/. . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

- Yes No Don't know A. Do you have legal authority to sell the property? If no, please explain.
- Yes No Don't know *B. Is title to the property subject to any of the following?
 - (1) First right of refusal
 - (2) Option
 - (3) Lease or rental agreement
 - (4) Life estate?
- Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?
- Yes No Don't know *D. Is there a private road or easement agreement for access to the property?
- Yes No Don't know *E. Are there any rights-of-way, easements, or access limitations

<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>that may affect the Buyer's use of the property?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>*F. Are there any written agreements for joint maintenance of an easement or right-of-way?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (a) If yes, has all or any portion of the water right not been used for five or more successive years?</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>*G. Is there any study, survey project, or notice that would adversely affect the property?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (b) If so, is the certificate available? (If yes, please attach a copy.)</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed?</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>*J. Is there a boundary survey for the property?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>*K. Are there any covenants, conditions, or restrictions recorded against the property?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>C. Outdoor Sprinkler System</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>2. WATER</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>(1) Is there an outdoor sprinkler system for the property?</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>A. Household Water</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>(2) If yes, are there any defects in the system?</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>(1) The source of water for the property is:</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (3) If yes, is the sprinkler system connected to irrigation water?</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p><input type="checkbox"/> Private or publicly owned water system</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>3. SEWER/ON-SITE SEWAGE SYSTEM</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p><input type="checkbox"/> Private well serving only the subject property</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>A. The property is served by:</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* <input type="checkbox"/> Other water system</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p><input type="checkbox"/> Public sewer system,</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* If shared, are there any written agreements?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p><input type="checkbox"/> On-site sewage system (including pipes, tanks, drainfields, and all other component parts)</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p><input type="checkbox"/> Other disposal system, please describe:</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (3) Are there any problems or repairs needed?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (5) Are there any water treatment systems for the property? If yes, are they</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>D. If the property is connected to an on-site sewage system:</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p><input type="checkbox"/> Leased <input type="checkbox"/> Owned</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>(2) When was it last pumped? . . .</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (3) Are there any defects in the operation of the on-site sewage system?</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (b) If yes, has all or any portion of the water right not been used for five or more successive years?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>(4) When was it last inspected? . . .</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>* (7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>By whom:</p>
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>B. Irrigation Water</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know</p>	<p>. . .</p>

- Don't know (5) For how many bedrooms was the on-site sewage system approved?
- Yes No Don't know E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:
- Yes No Don't know *F. Have there been any changes or repairs to the on-site sewage system?
- Yes No Don't know G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.
- Yes No Don't know *H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year?

- Yes No Don't know
- Yes No Don't know
- Yes No Don't know
- Yes No Don't know
- Yes No Don't know
- Yes No Don't know
- Yes No Don't know
- Yes No Don't know
- Yes No Don't know
- Yes No Don't know

- H. During your ownership, has the property had any wood destroying organism or pest infestation?
- I. Is the attic insulated?
- J. Is the basement insulated?

5. SYSTEMS AND FIXTURES

- *A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.
 - Yes No Don't know Electrical system, including wiring, switches, outlets, and service
 - Yes No Don't know Plumbing system, including pipes, faucets, fixtures, and toilets
 - Yes No Don't know Hot water tank
 - Yes No Don't know Garbage disposal
 - Yes No Don't know Appliances
 - Yes No Don't know Sump pump
 - Yes No Don't know Heating and cooling systems
 - Yes No Don't know Security system
 - Owned Leased
 - Other

- *B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

- Yes No Don't know
- Yes No Don't know
- Yes No Don't know

- Security system
- Tanks (type):
- Satellite dish
- Other:

- *C. Are any of the following kinds of wood burning appliances present at the property?

- Yes No Don't know
- Yes No Don't know
- Yes No Don't know
- Yes No Don't know

- (1) Woodstove?
- (2) Fireplace insert?
- (3) Pellet stove?
- (4) Fireplace?
- If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

4. STRUCTURAL

- Yes No Don't know *A. Has the roof leaked within the last five years?
- Yes No Don't know *B. Has the basement flooded or leaked?
- Yes No Don't know *C. Have there been any conversions, additions, or remodeling?
 - Yes No Don't know *(1) If yes, were all building permits obtained?
 - Yes No Don't know *(2) If yes, were all final inspections obtained?
- Yes No Don't know D. Do you know the age of the house? If yes, year of original construction:
- Yes No Don't know *E. Has there been any settling, slippage, or sliding of the property or its improvements?
- Yes No Don't know *F. Are there any defects with the following: (If yes, please check applicable items and explain.)

<input type="checkbox"/> Foundations	<input type="checkbox"/> Decks	<input type="checkbox"/> Exterior Walls
<input type="checkbox"/> Chimneys	<input type="checkbox"/> Interior Walls	<input type="checkbox"/> Fire Alarm
<input type="checkbox"/> Doors	<input type="checkbox"/> Windows	<input type="checkbox"/> Patio
<input type="checkbox"/> Ceilings	<input type="checkbox"/> Slab Floors	<input type="checkbox"/> Driveways
<input type="checkbox"/> Pools	<input type="checkbox"/> Hot Tub	<input type="checkbox"/> Sauna
<input type="checkbox"/> Sidewalks	<input type="checkbox"/> Outbuildings	<input type="checkbox"/> Fireplaces
<input type="checkbox"/> Garage Floors	<input type="checkbox"/> Walkways	<input type="checkbox"/> Siding
<input type="checkbox"/> Other	<input type="checkbox"/> Woodstoves	<input type="checkbox"/> Elevators
<input type="checkbox"/> Incline Elevators	<input type="checkbox"/> Stairway Chair Lifts	<input type="checkbox"/> Wheelchair Lifts
- Yes No Don't know *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

- Yes No Don't know
- Yes No Don't know
- Yes No Don't know
- Yes No Don't know

- D. Is the property located within a city, county, or district or within a department of natural resources fire protection zone that provides fire protection services?

- E. Is the property equipped with carbon monoxide alarms? (Note: Pursuant to RCW 19.27.530, seller must equip the residence with carbon monoxide alarms as required by the state building code.)

- F. Is the property equipped with smoke ((alarms)) detection devices? (Note: Pursuant to RCW 43.44.110, if the property is not

equipped with at least one smoke detection device, at least one must be provided by the seller.)

6. HOMEOWNERS' ASSOCIATION/Common INTERESTS

Yes No Don't know A. Is there a Homeowners' Association? Name of Association and contact information for an officer, director, employee, or other authorized agent, if any, who may provide the association's financial statements, minutes, bylaws, fining policy, and other information that is not publicly available:

Yes No Don't know B. Are there regular periodic assessments:
\$. . . per Month Year
 Other

Yes No Don't know *C. Are there any pending special assessments?

Yes No Don't know *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. ENVIRONMENTAL

Yes No Don't know *A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes No Don't know *B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes No Don't know *C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

Yes No Don't know *E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

Yes No Don't know *F. Has the property been used for commercial or industrial purposes?

Yes No Don't know *G. Is there any soil or groundwater contamination?

Yes No Don't know *H. Are there transmission poles or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

Yes No Don't know *I. Has the property been used as a legal or illegal dumping site?

Yes No Don't know *J. Has the property been used as an illegal drug manufacturing site?

Yes No Don't know *K. Are there any radio towers in the area that cause interference with cellular telephone reception?

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

Yes No Don't know *A. Did you make any alterations to the home? If yes, please describe the alterations:

Yes No Don't know *B. Did any previous owner make any alterations to the home?

Yes No Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

Yes No Don't know *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER
NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate

licensees know of such inaccurate information.

- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE BUYER BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

NEW SECTION. Sec. 4. A new section is added to chapter 48.19 RCW to read as follows:

(1) In making rates for the insurance coverage for dwelling units, insurers shall consider the benefits of fire alarms and smoke detection devices in their rate making. If the insurer determines a separate rate factor is valid, then an exhibit supporting these changes and any credits or discounts resulting from any such changes must be included in the initial filing supporting such change. An insurer need not file any exhibits or offer any related discounts if:

- (a) No changes are made to the credits or discounts already in effect prior to the effective date of this section;
- (b) It determines that there is no material anticipated change in losses due to the use of such equipment; or
- (c) Any potential credit or discount is not actuarially supported.

(2) The commissioner shall report to the appropriate committees of the legislature on any credits or discounts provided on insurance premiums for fire alarms and smoke detection devices installed in dwelling units. By December 31, 2020, and in compliance with RCW 43.01.036, the commissioner must submit

a report to the appropriate committees of the legislature that details the use of discounts prior to and after the effective date of this section, and the type of fire alarm or smoke detection device qualifying for a credit or discount.

(3) For the purposes of this section:

(a) "Dwelling unit" means a residential dwelling of any type, including a single-family residence, apartment, condominium, or cooperative unit.

(b) "Smoke detection device" or "smoke detection devices" means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation.

(c) "Fire alarm" or "fire alarms" means any mechanical, electrical or radio-controlled device that is designed to emit a sound or transmit a signal or message when activated or any such device that emits a sound and transmits a signal or message when activated because of smoke, heat or fire.

(4) This section applies to rate filings for coverage for dwelling units filed on or after January 1, 2020.

NEW SECTION. Sec. 5. This act shall be known and cited as the Greg "Gibby" Gibson home fire safety act.

NEW SECTION. Sec. 6. Section 3 of this act is effective for real estate transactions entered into on or after January 1, 2020.

NEW SECTION. Sec. 7. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5284.

Senator Liias spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5284.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5284 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5284, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5284, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen,

O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Salomon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5284, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5324 with the following amendment(s): 5324-S AMH APP H2840.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.300.542 and 2016 c 157 s 2 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall create a competitive grant process to evaluate and award state-funded grants to school districts to increase identification of ~~((homeless))~~ students experiencing homelessness and the capacity of the districts to provide support ~~((, which may include education liaisons, for homeless students))~~ for students experiencing homelessness. Funds may be used in a manner that is complementary to federal McKinney-Vento funds and consistent with allowable uses as determined by the office of the superintendent of public instruction. The process must complement any similar federal grant program or programs in order to minimize agency overhead and administrative costs for the superintendent of public instruction and school districts. School districts may access both federal and state funding to identify and support ~~((homeless))~~ students experiencing homelessness.

(2) Award criteria for the state grants must be based on the demonstrated need of the school district and may consider the number or overall percentage, or both, of homeless children and youths enrolled in preschool, elementary, and secondary schools in the school district, and the ability of the local school district to meet these needs. Award criteria for these must also be based on the quality of the applications submitted. ~~((Preference))~~ Selected grantees must reflect geographic diversity across the state. Greater weight must be given to districts that demonstrate a commitment to:

(a) Partnering with local housing and community-based organizations with experience in serving the needs of students experiencing homelessness or students of color;

(b) Serving the needs of unaccompanied youth; and

(c) Implementing evidence-informed strategies to address the opportunity gap and other systemic inequities that negatively impact students experiencing homelessness and students of color. Specific strategies may include, but are not limited to:

(i) Enhancing the cultural responsiveness of current and future staff;

(ii) Ensuring all staff, faculty, and school employees are actively trained in trauma-informed care;

(iii) Providing inclusive programming by intentionally seeking and utilizing input from the population being served;

(iv) Using a multidisciplinary approach when serving students experiencing homelessness and their families;

(v) Intentionally seeking and utilizing input from the families and students experiencing homelessness about how district policies, services, and practices can be improved; and

(vi) Identifying data elements and systems needed to monitor progress in eliminating disparities in academic outcomes for students experiencing homelessness with their housed peers.

~~((3) At the end of each academic year, districts receiving grants ((must measure during the academic year how often each student physically moves, what services families or unaccompanied youth could access, and whether or not a family or unaccompanied youth received stable housing by the end of the school year)) shall monitor and report on the academic outcomes for students served by the grants. The academic outcomes are those recommended by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall review the reports submitted by the districts and assist school districts in using these data to identify gaps and needs, and develop sustainable strategies to improve academic outcomes for students experiencing homelessness.~~

~~((4) ((Homeless)) Students experiencing homelessness are defined as students without a fixed, regular, and adequate nighttime residence ((as set forth)) in accordance with the definition of homeless children and youths in the federal McKinney-Vento homeless ((education)) assistance act ((P.L. 100-77; 101 Stat. 482)), 42 U.S.C. Sec. 11431 through 11435.~~

~~((5) School districts may not use funds allocated under this section to supplant existing federal, state, or local resources for ((homeless student)) supports for students experiencing homelessness, which may include education liaisons.~~

~~((6) Grants awarded to districts under this section may be for two years.~~

Sec. 2. RCW 43.185C.340 and 2016 c 157 s 3 are each amended to read as follows:

(1) Subject to funds appropriated for this specific purpose, the department ~~((, in consultation with the office of the superintendent of public instruction,))~~ shall administer a grant program that links ~~((homeless))~~ students experiencing homelessness and their families with stable housing located in the ~~((homeless))~~ student's school district. The goals of the program ~~((is))~~ are to:

(a) Provide educational stability for ((homeless)) students experiencing homelessness by promoting housing stability; and

(b) Encourage the development of collaborative strategies between housing and education partners.

(2) To ensure that innovative strategies between housing and education partners are developed and implemented, the department may contract and consult with a designated vendor to provide technical assistance and program evaluation, and assist with making grant awards. If the department contracts with a vendor, the vendor must be selected by the director and:

(a) Be a nonprofit vendor;

(b) Be located in Washington state; and

(c) Have a demonstrated record of working toward the housing and educational stability of students and families experiencing homelessness.

(3) In implementing the program, the department, or the department in partnership with its designated vendor, shall consult with the office of the superintendent of public instruction.

~~((4) The department, ((working with the office of the superintendent of public instruction)) or the designated vendor in consultation with the department, shall develop a competitive grant process to make grant awards ((of no more than one hundred thousand dollars per school, not to exceed five hundred thousand dollars per school district,)) to ((school districts partnered with))~~

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eligible organizations on implementation of the proposal. For the purposes of this subsection, "eligible organization" means any local government, local housing authority, regional support network established under chapter 71.24 RCW, behavioral health organization, nonprofit community or neighborhood-based organization, federally recognized Indian tribe in the state of Washington, or regional or statewide nonprofit housing assistance organization. Applications for the grant program must include ~~((contractual agreements))~~ a memorandum of understanding between the housing providers and school districts defining the responsibilities and commitments of each party to identify, house, and support ~~((homeless))~~ students experiencing homelessness. The memorandum must include:

(a) How housing providers will partner with school districts to address gaps and needs and develop sustainable strategies to help students experiencing homelessness; and

(b) How data on students experiencing homelessness and their families will be collected and shared in accordance with privacy protections under applicable federal and state laws.

~~((3) The grants awarded to school districts shall not exceed fifteen school districts per school year.))~~ (5) In determining which ~~((partnerships))~~ eligible organizations will receive grants, ~~((preference must))~~ the department must ensure that selected grantees reflect geographic diversity across the state. Greater weight shall be given to ~~((districts with a demonstrated commitment of partnership and history with))~~ eligible organizations that demonstrate a commitment to:

(a) Partnering with local schools or school districts; and

(b) Developing and implementing evidence-informed strategies to address racial inequities. Specific strategies may include, but are not limited to:

(i) Hiring direct service staff who reflect the racial, cultural, and language demographics of the population being served;

(ii) Committing to inclusive programming by intentionally seeking and utilizing input from the population being served;

(iii) Ensuring eligibility criteria does not unintentionally screen out people of color and further racial inequity; and

(iv) Creating access points in locations frequented by parents, guardians, and unaccompanied homeless youth of color.

~~((4))~~ (6) Activities eligible for assistance under this grant program include but are not limited to:

(a) Rental assistance, which includes utilities, security and utility deposits, first and last month's rent, rental application fees, moving expenses, and other eligible expenses to be determined by the department;

(b) Transportation assistance, including gasoline assistance for families with vehicles and bus passes;

(c) Emergency shelter; ~~((and))~~

(d) Housing stability case management; and

(e) Other collaborative housing strategies, including prevention and strength-based safety and housing approaches.

~~((5))~~ (7)(a) All beneficiaries of funds from the grant program must be ~~((unaccompanied youth or))~~ from ~~((very low income))~~ households ~~((For the purposes of this subsection, "very low income household" means an unaccompanied youth or family or unrelated persons living together whose adjusted income is less than fifty percent of the median family income, adjusted for household size, for the county where the grant recipient is located))~~ that include at least one student experiencing homelessness as defined as a child or youth without a fixed, regular, and adequate nighttime residence in accordance with the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11431 through 11435.

(b) For the purposes of this section, "student experiencing homelessness" includes unaccompanied homeless youth not in

the physical custody of a parent or guardian. "Unaccompanied homeless youth" includes students up to the age of twenty-one, in alignment with the qualifications for school admissions under RCW 28A.225.160(1).

~~((6))~~ (8)(a) Grantee ~~((school districts))~~ organizations must compile and report information to the department. The department shall report to the legislature the findings of the grantee, the housing stability of the homeless families, ~~((the academic performance of the grantee population,))~~ and any related policy recommendations.

(b) Grantees must track and report on the following measures including, but not limited to:

(i) Length of time enrolled in the grant program;

(ii) Housing destination at program exit;

(iii) Type of residence prior to enrollment in the grant program; and

(iv) Number of times homeless in the past three years.

(c) Grantees must also include in their reports a narrative description discussing its partnership with school districts as set forth in the memorandum outlined in subsection (4) of this section. Reports must also include the kinds of supports grantees are providing students and families to support academic learning.

(d) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180.

~~((7))~~ (9) In order to ensure that ~~((school districts))~~ housing providers are meeting the requirements of ~~((an approved))~~ the grant program for ~~((homeless))~~ students experiencing homelessness, the ~~((office of the superintendent of public instruction))~~ department, or the department in partnership with its designee, shall monitor the program(s) at least once every two years. ~~((Monitoring shall begin during the 2016-17 school year.~~

~~((8))~~ (10) Any program review and monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the department. In its review, the ~~((office of the superintendent of public instruction))~~ department, or the department in partnership with its designee, shall monitor program components that include ~~((but need not be limited to))~~ the process used by the ~~((district))~~ eligible organization to identify and reach out to ~~((homeless))~~ students experiencing homelessness, ~~((assessment data))~~ and other indicators to determine how well the ~~((district))~~ eligible organization is meeting the ~~((academic))~~ housing needs of ~~((homeless))~~ students ~~((district expenditures used to expand opportunities for these students, and the academic progress of students under))~~ experiencing homelessness. The department, or the department in partnership with its designee, shall provide technical assistance and support to housing providers to better implement the program.

Sec. 3. RCW 28A.320.142 and 2016 c 157 s 5 are each amended to read as follows:

(1) Each ~~((school district that has identified more than ten unaccompanied youth))~~ K-12 public school in the state must establish a building point of contact in each elementary school, middle school, and high school. These points of contact must be appointed by the principal of the designated school and are responsible for identifying homeless and unaccompanied homeless youth and connecting them with the school district's ~~((homeless student))~~ liaison for students experiencing homelessness. The school district homeless student liaison is responsible for training building points of contact.

(2) The office of the superintendent of public instruction shall make available best practices for choosing and training building points of contact to each school district.

NEW SECTION. Sec. 1. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Lias moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5324.

Senator Frockt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Lias that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5324.

The motion by Senator Lias carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5324 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5324, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5324, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Salomon

SUBSTITUTE SENATE BILL NO. 5324, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5330 with the following amendment(s): 5330-S.E AMH APP H2848.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Small forestland owners own and manage approximately three million two hundred thousand acres of Washington's forestlands and exert a tremendous influence on public resources, including fish bearing streams, water quality, air, wildlife habitat, and carbon sequestration.

(2) Adoption of the forests and fish report was made possible, in part, by the agreement of small forestland owners who supported the intent of the law despite significant economic

impacts to some members of the small forestland owner community. Twenty years after the adoption of the forests and fish report, it is time to evaluate how the increased regulations have impacted small forestland owners and their land.

(3) When the forests and fish report was adopted, the legislature enacted RCW 76.13.100 as follows:

"(1) The legislature finds that increasing regulatory requirements continue to diminish the economic viability of small forest landowners. The concerns set forth in RCW 77.85.180 about the importance of sustaining forestry as a viable land use are particularly applicable to small landowners because of the location of their holdings, the expected complexity of the regulatory requirements, and the need for significant technical expertise not readily available to small landowners. The further reduction in harvestable timber owned by small forest landowners as a result of the rules to be adopted under RCW 76.09.055 will further erode small landowners' economic viability and willingness or ability to keep the lands in forestry use and, therefore, reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, as defined in RCW 76.09.020.

(2) The legislature finds that the concerns identified in subsection (1) of this section should be addressed by establishing within the department of natural resources a small forest landowner office that shall be a resource and focal point for small forest landowner concerns and policies. The legislature further finds that a forestry riparian easement program shall be established to acquire easements from small landowners along riparian and other areas of value to the state for protection of aquatic resources. The legislature further finds that small forest landowners should have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources. The small forest landowner office should be responsible for assisting small landowners in the development and implementation of these plans or restrictions."

(4) The twentieth anniversary of the adoption of the forests and fish report into law presents an optimal time to review how the state's regulatory actions, intended to benefit both landowners and habitat, have affected small forestland owners. How have programs intended to make up for the disproportionate economic impact been implemented? What can the legislature do to keep small forestland owners on the landscape, so their land will be available for salmon habitat and water quality rather than converted?

(5)(a) The school of environmental and forest sciences within the college of the environment at the University of Washington must complete a trends analysis.

(b) The trends analysis must address, at a minimum, the following questions:

(i) Have the number of small forestland owners increased or decreased?

(ii)(A) Has the acreage held by small forestland owners increased or decreased?

(B) Of the land no longer owned by small forestland owners, what percentage was converted to nonforest use, became industrial forestland, trust land, or some other use?

(c)(i) The school of environmental and forest sciences at the University of Washington, using the data from the trends analysis and other pertinent information, must:

(A) Determine which factors contributed to small forestland owners selling their land;

(B) Recommend actions the legislature can take to help keep forestland working; and

(C) Assess the effectiveness and implementation of the programs created in RCW 76.13.100(2) which described three

programs to assist small forestland owners and mitigate the disproportionate economic impact. The assessment must include:

(I) Evaluating the effectiveness of the small forest landowner office: Does it have adequate resources and authority to successfully address landowner concerns? Has it received adequate funding to implement fully the duties as assigned through RCW 76.13.110?

(II) Forest riparian easement program: Does the structure of the program adequately address economic impact to small forestland owners? Has funding kept up with need? Has the lack of funding resulted in the loss of riparian habitat?

(III) Have meaningful alternate management plans or alternate harvest restrictions been developed for smaller harvest units?

(IV) Has the family forest fish passage program addressed economic impact to landowners and fish passage barriers adequately?

(i) Would meaningful alternate harvest restrictions reduce the financial burden on the forest riparian easement program?

(iii) How can the legislature incentivize small forestland owners to maintain their land as forestland?

(iv) Could a program be developed to facilitate small forestland owner's participation in carbon markets?

(6) The University of Washington may reach out to a broad variety of stakeholders for input.

(7) The policy analysis must use the trends analysis, the regulatory impact analysis, and other data to provide recommendations on ways the forest practices board and the legislature can provide more effective incentives to encourage continued management of nonindustrial forests for forestry uses, including traditional timber harvest uses, open space uses, or as part of developing carbon market schemes.

(8) The University of Washington must report the results of the trends analysis and policy analysis to the appropriate committees of the legislature and the forest practices board by November 1, 2020, with recommendations to improve mitigation measures for small forestland owners and improve retention of working forestland held by small forestland owners.

(9) This section expires December 31, 2020.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5330.

Senator Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5330.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5330 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5330, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5330, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5330, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5356 with the following amendment(s): 5356-S2.E AMH RUDE OMLI 250

On page 2, line 24, after "(4)" strike "Members" and insert "Two members of the senate, one from each of the two major political parties, appointed by the president of the senate, and two members of the house of representatives, one from each of the two major political parties, appointed by the speaker of the house of representatives, who support the legislative intent of the commission shall serve as advisory members. The legislative advisory members are non-voting members and are not eligible to serve as a chair of the commission. All legislative advisory members shall serve for a two-year term and the position of any legislative advisory member shall be deemed vacated whenever such member ceases to be a member of the house from which the member was appointed.

(5)(a) Nonlegislative members"

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

On page 2, after line 26, insert the following:

"(b) Legislative members shall be reimbursed for expenses incurred in the performance of their duties in accordance with RCW 44.04.120."

On page 2, line 28, after "business." insert "Legislative advisory members are not included in determining a quorum."

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5356.

Senator Wilson, C. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House

amendment(s) to Engrossed Second Substitute Senate Bill No. 5356.

The motion by Senator Wilson, C. carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5356 by voice vote.

MOTION

On motion of Senator Bailey, Senator Rivers was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5356, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5356, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senators Ericksen, Rivers and Salomon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5356, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5410 with the following amendment(s): 5410-S.E AMH ENGR H2604.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that advanced placement, international baccalaureate, and Cambridge international coursework prepares students for postsecondary success and provides opportunities for them to earn college credit or secure placement in advanced courses.

The legislature feels strongly that students who have earned minimum scores of three on advanced placement exams, four on standard-level and higher-level international baccalaureate exams, or scores of E(e) or higher on A and AS level Cambridge international exams deserve to receive undergraduate college credit, including elective credit and, where appropriate, course equivalent credit, for their work.

The legislature finds it necessary to develop a systemwide credit policy that allows those students to easily understand in advance whether institutions of higher education will award them credit, as well as which type of credit students will receive and the rationale for the institution of higher education's determination.

The legislature further encourages institutions of higher education to establish a policy favoring the award of course equivalent credit for the successful completion of standardized and commonly required courses.

Sec. 2. RCW 28B.10.054 and 2017 c 179 s 2 are each amended to read as follows:

(1) The institutions of higher education must establish a coordinated, evidence-based policy for granting as many undergraduate college credits, as possible and appropriate, to students who have earned minimum scores of three on ~~((AP)) advanced placement exams ((as possible and appropriate))~~, four on standard-level and higher-level international baccalaureate exams, or scores of E(e) or higher on A and AS level Cambridge international exams.

(2) Each institution of higher education must create a process for retroactively awarding international baccalaureate exam undergraduate college credits under the terms of this section to students who first enrolled in the institution of higher education in the 2018-19 academic year.

(3) Credit ~~((policy))~~ policies regarding all ((AP)) advanced placement and international baccalaureate exams must be posted on campus web sites effective for the ((2017)) 2019 fall academic term. Credit policies regarding all Cambridge international exams must be posted on campus web sites effective for the 2020 fall academic term. If an institution of higher education is unable to award a general education course equivalency, the student may request in writing an evidence-based reason as to why general education course equivalency cannot be granted. Institutions of higher education must maintain web sites regarding their advanced placement, international baccalaureate, and Cambridge international policies in a publicly accessible way. The institutions of higher education must conduct biennial reviews of their ((AP)) advanced placement, international baccalaureate, and Cambridge international credit ~~((policy))~~ policies and report noncompliance to the appropriate committees of the legislature by November 1st each ~~((year))~~ biennium beginning November 1, 2019.

(4) The institutions of higher education must provide an update to the joint legislative audit and review committee on their credit awarding policies by December 31, 2019.

(5) For the purposes of this section, "general education course equivalency" means credit that fulfills general education or major requirements and is not awarded as elective credit.

NEW SECTION. Sec. 3. RCW 28B.10.051 (International baccalaureate and Cambridge international exams credit policies) and 2018 c 124 s 2 are each repealed."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Mullet moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5410.

Senator Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Mullet that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5410.

The motion by Senator Mullet carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5410 by voice vote.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5410, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5410, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5410, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5418 with the following amendment(s): 5418-S.E AMH ENGR H2648.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.23.352 and 2018 c 74 s 2 are each amended to read as follows:

(1) Any second-class city or any town may construct any public works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of ~~((sixty five thousand))~~ one hundred sixteen thousand one hundred fifty-five dollars if more than one craft or trade is involved with the public works, or ~~((forty thousand))~~ seventy-five thousand five hundred dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon publication of notice calling for sealed bids upon the work. The notice shall be published in the official newspaper, or a newspaper of general circulation most likely to bring responsive bids, at least thirteen days prior to the last date upon which bids will be received. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to

the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in accordance with RCW 39.08.030. If the bidder fails to enter into the contract in accordance with his or her bid and furnish a bond within ten days from the date at which he or she is notified that he or she is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) For the purposes of this section, "lowest responsible bidder" means a bid that meets the criteria under RCW 39.04.350 and has the lowest bid; provided, that if the city issues a written finding that the lowest bidder has delivered a project to the city within the last three years which was late, over budget, or did not meet specifications, and the city does not find in writing that such bidder has shown how they would improve performance to be likely to meet project specifications then the city may choose the second lowest bidder whose bid is within five percent of the lowest bid and meets the same criteria as the lowest bidder.

~~((3))~~ (3) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

~~((3))~~ (4) In lieu of the procedures of subsection (1) of this section, a second-class city or a town may let contracts using the small works roster process provided in RCW 39.04.155.

Whenever possible, the city or town shall invite at least one proposal from a certified minority or woman contractor who shall otherwise qualify under this section.

~~((4))~~ (5) The form required by RCW 43.09.205 shall be to account and record costs of public works in excess of five thousand dollars that are not let by contract.

~~((5))~~ (6) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

~~((6))~~ (7) Any purchase of supplies, material, or equipment, except for public work or improvement, where the cost thereof exceeds seven thousand five hundred dollars shall be made upon call for bids.

~~((7))~~ (8) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

~~((8))~~ (9) For advertisement and formal sealed bidding to be dispensed with as to purchases with an estimated value of fifteen thousand dollars or less, the council or commission must authorize by resolution, use of the uniform procedure provided in RCW 39.04.190.

~~((9))~~ (10) The city or town legislative authority may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

~~((40))~~ (11) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

~~((11))~~ (12) Nothing in this section shall prohibit any second-class city or any town from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

~~((12))~~ (13)(a) Any second-class city or any town may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the city or town, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the city or town having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the city or town will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the city or town must invite at least one proposal from a certified minority or woman contractor who otherwise qualifies under this section.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

(14) Any second-class city or town that awards a project to a bidder under the criteria described in subsection (2) of this section must make an annual report to the department of commerce that includes the total number of bids awarded to certified minority or women contractors and describing how notice was provided to potential certified minority or women contractors.

Sec. 2. RCW 39.19.020 and 1996 c 69 s 4 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Broker" means a person that provides a bona fide service, such as professional, technical, consultant, brokerage, or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials, or supplies required for performance of a contract.

(3) "Contractor" means an individual or entity granted state certification and awarded either a direct contract with an agency

or an indirect contract as a subcontractor to perform a service or provide goods.

(4) "Director" means the director of the office of minority and women's business enterprises.

~~((4))~~ (5) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

~~((5))~~ (6) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume, for participation by minority and women-owned and controlled businesses and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. It is the intent of this chapter that such overall agency goals shall be achievable and shall be met on a contract-by-contract or class-of-contract basis.

~~((6))~~ (7) "Goods and/or services" includes professional services and all other goods and services.

~~((7))~~ (8) "Office" means the office of minority and women's business enterprises.

~~((8))~~ (9) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons.

~~((9))~~ (10) "Procurement" means the purchase, lease, or rental of any goods or services.

~~((10))~~ (11) "Public works" means all work, construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

~~((11))~~ (12) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions.

Sec. 3. RCW 39.19.060 and 1996 c 288 s 28 are each amended to read as follows:

(1) Each state agency and educational institution shall comply with the annual goals established for that agency or institution under this chapter for public works and procuring goods or services. This chapter applies to all public works and procurement by state agencies and educational institutions, including all contracts and other procurement under chapters 28B.10, 39.04, ~~((39.29))~~ 39.26, 43.19, and 47.28 RCW.

(2) Each state agency shall adopt a plan, developed in consultation with the director and the advisory committee, to ~~((insure))~~ ensure that minority and women-owned businesses are afforded the maximum practicable opportunity to directly and meaningfully participate in the execution of public contracts for public works and goods and services. The plan shall include specific measures the agency will undertake to increase the participation of certified minority and women-owned businesses.

(3) The office shall annually notify the governor, the state auditor, and the joint legislative audit and review committee of all agencies and educational institutions not in compliance with this chapter.

Sec. 4. RCW 39.19.250 and 2009 c 348 s 2 are each amended to read as follows:

(1) For the purpose of annual reporting on progress required by section 1 of this act, each state agency and educational institution shall submit data to the office and the office of minority and women's business enterprises on the participation by qualified minority and women-owned and controlled businesses in the agency's or institution's contracts and other related information requested by the director. The director of the office of minority and women's business enterprises shall determine the content and

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format of the data and the reporting schedule, which must be at least annually.

(2) The office must develop and maintain a list of contact people at each state agency and educational institution ~~((that is))~~ who are able to present to hearings of the appropriate committees of the legislature its progress in carrying out the purposes of chapter 39.19 RCW.

(3) The office must submit a report aggregating the data received from each state agency and educational institution to the legislature and the governor.

Sec. 5. RCW 39.04.155 and 2015 c 225 s 33 are each amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of three hundred fifty thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of enterprise services in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of enterprise services under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 39.04.010. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from ~~((one))~~ two hundred fifty thousand dollars to three hundred fifty thousand dollars, a state agency or local government that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by ~~((telephone inquiry))~~ at least one of the following: Telephone or electronic request.

(f) For projects awarded under the small works roster process established under this subsection, a state agency or authorized local government may waive the retainage requirements of RCW 60.28.011(1)(a), thereby assuming the liability for contractor's nonpayment of: (i) Laborers, mechanics, subcontractors, materialpersons, and suppliers; and (ii) taxes, increases, and penalties under Titles 50, 51, and 82 RCW that may be due from the contractor for the project. However, the state agency or local government has the right of recovery against the contractor for any payments made on the contractor's behalf. Recovery of unpaid wages and benefits are the first priority for actions filed against the contract.

(3)(a) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement projects estimated to cost less than ~~((thirty-five))~~ fifty thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

(b) For limited public works projects, a state agency or authorized local government shall solicit electronic or written

quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government (~~(shall attempt to)~~) must equitably distribute opportunities for limited public works projects (~~(equitably)~~) among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and may waive the retainage requirements of (~~chapter 60.28~~) RCW 60.28.011(1)(a), thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialpersons, suppliers, and taxes (~~(imposed under Title)~~), increases, and penalties imposed under Titles 50, 51, and 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

~~(5) ((a) A state agency or authorized local government may use the limited public works process of subsection (3) of this section to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return.~~

~~(b) A state agency or authorized local government may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.~~

~~(6) As used in this section,)) A state agency or authorized local government may use the limited public works process in this section to solicit and award small works roster contracts to minibusinesses and microbusinesses as defined under RCW 39.26.010 that are registered contractors.~~

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

(a) "Equitably distribute opportunities" means that a state agency or authorized local government may not favor certain contractors on the appropriate small works roster over other contractors on the same roster who perform similar services.

(b) "State agency" means the department of enterprise services, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of enterprise services to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

Sec. 6. RCW 39.12.040 and 2013 c 113 s 5 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a public works contract, it is the duty of the officer or person charged with the custody and disbursement of public funds to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer a "Statement of Intent to Pay Prevailing Wages". For a contract in excess of ten thousand dollars, the statement of intent to pay prevailing wages must include:

(i) The contractor's registration certificate number; and

(ii) The prevailing rate of wage for each classification of workers entitled to prevailing wages under RCW 39.12.020 and the estimated number of workers in each classification.

(b) Each statement of intent to pay prevailing wages must be approved by the industrial statistician of the department of labor and industries before it is submitted to the disbursing officer. Unless otherwise authorized by the department of labor and industries, each voucher claim submitted by a contractor for payment on a project estimate must state that the prevailing wages have been paid in accordance with the prefiled statement or statements of intent to pay prevailing wages on file with the public agency. Following the final acceptance of a public works project, it is the duty of the officer charged with the disbursement of public funds, to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer an affidavit of wages paid before the funds retained according to the provisions of RCW 60.28.011 are released to the contractor. On a public works project where no retainage is withheld (~~(pursuant to RCW 60.28.011(1)(b))~~), the affidavit of wages paid must be submitted to the state, county, municipality, or other public body charged with the duty of disbursing or authorizing disbursement of public funds prior to final acceptance of the public works project. If a subcontractor performing work on a public works project fails to submit an affidavit of wages paid form, the contractor or subcontractor with whom the subcontractor had a contractual relationship for the project may file the forms on behalf of the nonresponsive subcontractor. Affidavit forms may only be filed on behalf of a nonresponsive subcontractor who has ceased operations or failed to file as required by this section. The contractor filing the affidavit must accept responsibility for payment of prevailing wages unpaid by the subcontractor on the project pursuant to RCW 39.12.020 and 39.12.065. Intentionally filing a false affidavit on behalf of a subcontractor subjects the filer to the same penalties as are provided in RCW 39.12.050. Each affidavit of wages paid must be certified by the industrial statistician of the department of labor and industries before it is submitted to the disbursing officer.

(2) As an alternate to the procedures provided for in subsection (1) of this section, for public works projects of two thousand five hundred dollars or less and for projects where the limited public works process under RCW 39.04.155(3) is followed:

(a) An awarding agency may authorize the contractor or subcontractor to submit the statement of intent to pay prevailing wages directly to the officer or person charged with the custody or disbursement of public funds in the awarding agency without approval by the industrial statistician of the department of labor and industries. The awarding agency must retain such statement of intent to pay prevailing wages for a period of not less than three years.

(b) Upon final acceptance of the public works project, the awarding agency must require the contractor or subcontractor to submit an affidavit of wages paid. Upon receipt of the affidavit of wages paid, the awarding agency may pay the contractor or subcontractor in full, including funds that would otherwise be retained according to the provisions of RCW 60.28.011. Within

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thirty days of receipt of the affidavit of wages paid, the awarding agency must submit the affidavit of wages paid to the industrial statistician of the department of labor and industries for approval.

(c) A statement of intent to pay prevailing wages and an affidavit of wages paid must be on forms approved by the department of labor and industries.

(d) In the event of a wage claim and a finding for the claimant by the department of labor and industries where the awarding agency has used the alternative process provided for in this subsection (2), the awarding agency must pay the wages due directly to the claimant. If the contractor or subcontractor did not pay the wages stated in the affidavit of wages paid, the awarding agency may take action at law to seek reimbursement from the contractor or subcontractor of wages paid to the claimant, and may prohibit the contractor or subcontractor from bidding on any public works contract of the awarding agency for up to one year.

(e) Nothing in this section may be interpreted to allow an awarding agency to subdivide any public works project of more than two thousand five hundred dollars for the purpose of circumventing the procedures required by subsection (1) of this section.

Sec. 7. RCW 54.04.070 and 2017 c 85 s 1 are each amended to read as follows:

(1) Any item, or items of the same kind of materials, equipment, or supplies purchased, the estimated cost of which is in excess of ~~((fifteen))~~ thirty thousand dollars, exclusive of sales tax, shall be by contract. However, a district may make purchases of the same kind of items of materials, equipment, and supplies not exceeding ~~((seven))~~ twelve thousand ~~((five hundred))~~ dollars in any calendar month without a contract, purchasing any excess thereof over ~~((seven))~~ twelve thousand ~~((five hundred))~~ dollars by contract.

(2) Any work ordered by a district commission, the estimated cost of which is in excess of ~~((twenty five))~~ fifty thousand dollars, exclusive of sales tax, shall be by contract. However, a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding ~~((one))~~ three hundred ~~((fifty))~~ thousand dollars in value without a contract. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment ~~((purchased or acquired and used as one unit of a project))~~. For the purposes of this section, the term "equipment" includes but is not limited to conductor, cabling, wire, pipe, or lines used for electrical, water, fiber optic, or telecommunications.

(3) Before awarding a contract required under subsection (1) or (2) of this section, the commission shall publish a notice once or more in a newspaper of general circulation in the district at least thirteen days before the last date upon which bids will be received, inviting sealed proposals for the work or materials. Plans and specifications for the work or materials shall at the time of publication be on file at the office of the district and subject to public inspection. Any published notice ordering work to be performed for the district shall be mailed at the time of publication to any established trade association which files a written request with the district to receive such notices. The commission may, at the same time and as part of the same notice, invite tenders for the work or materials upon plans and specifications to be submitted by the bidders.

(4) As an alternative to the competitive bidding requirements of this section and RCW 54.04.080, a district may let contracts using the small works roster process under RCW 39.04.155.

(5) Whenever equipment or materials required by a district are held by a governmental agency and are available for sale but such agency is unwilling to submit a proposal, the commission may ascertain the price of such items and file a statement of such price supported by the sworn affidavit of one member of the commission, and may consider such price as a bid without a deposit or bond.

(6) Pursuant to RCW 39.04.280, the commission may waive the competitive bidding requirements of this section and RCW 54.04.080 if an exemption contained within RCW 39.04.280 applies to the purchase or public work.

(7)(a) A district may procure public works with a unit priced contract under this section, RCW 54.04.080, or 54.04.085 for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, unit priced contract means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of a district, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price, for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the district having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the district will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Where electrical facility construction or improvement work is anticipated, contractors on a unit priced contract shall comply with the requirements under RCW 54.04.085 (1) through (5). Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. ~~((Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued))~~ Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

Sec. 8. RCW 36.32.235 and 2016 c 95 s 8 and 2016 c 19 s 8 are each reenacted and amended to read as follows:

(1) In each county ~~((with a population of four hundred thousand or more))~~ which by resolution establishes a county purchasing department, the purchasing department shall enter into leases of personal property on a competitive basis and purchase all supplies, materials, and equipment on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases that are paid from the county road fund or equipment rental and revolving fund.

(2) As used in this section:

(a) "Public works" has the same definition as in RCW 39.04.010.

(b) "Riverine project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property, carried out on a river or stream and its tributaries and associated floodplains, beds, banks, and waters for the purpose of improving aquatic habitat, improving water quality, restoring floodplain function, or providing flood protection.

(c) "Stormwater project" means a project of construction, alteration, repair, replacement, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property, carried out on a municipal separate storm sewer system, and any connections to the system, that is regulated under a state-issued national pollutant discharge elimination system general municipal stormwater permit for the purpose of improving control of stormwater runoff quantity and quality from developed land, safely conveying stormwater runoff, or reducing erosion or other water quality impacts caused by municipal separate storm sewer system discharges.

(3) Except as otherwise specified in this chapter or in chapter 36.77 RCW, all counties subject to these provisions shall contract on a competitive basis for all public works after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection.

(4) An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper is sufficient. Such advertisements shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(5) The bids shall be in writing, may be in either hard copy or electronic form as specified by the county, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and, after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

(6) The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law.

(7) If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(8) As limited by subsection ~~((10))~~ (11) of this section, a county subject to these provisions may have public works performed by county employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period.

Whenever a county subject to these provisions has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works except emergency work under subsection ~~((12))~~ (13) of this section within that budget period shall be done by contract pursuant to public notice and call for competitive bids as specified in subsection (3) of this section. The state auditor shall report to the state treasurer any county subject to these provisions that exceeds this amount and the extent to which the county has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(9) A county may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(a) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the county, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(b) Unit priced contracts must be executed for an initial contract term not to exceed one year, with the county having the option of extending or renewing the unit priced contract for one additional year.

(c) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the county will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. The contract must be awarded to the lowest responsible bidder as defined under RCW 39.04.010. Whenever possible, the county must invite at least one bid from a certified minority or woman contractor who otherwise qualifies under this section.

(d) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

(10) If a county subject to these provisions has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that county in its next budget period. Ten percent of the motor vehicle fuel tax distributions to that county shall be withheld if two years after the year in which the excess amount of work occurred, the county has failed to so reduce the amount of public works that it has performed by public employees. The amount withheld shall be distributed to the county when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been reduced as required.

~~((40))~~ (11) In addition to the percentage limitation provided in subsection (8) of this section, counties subject to these provisions containing a population of four hundred thousand or more shall not have public employees perform: A public works project in excess of ninety thousand dollars if more than a single craft or trade is involved with the public works project, a riverine project or stormwater project in excess of two hundred fifty thousand dollars if more than a single craft or trade is involved with the riverine project or stormwater project, a public works project in excess of forty-five thousand dollars if only a single craft or trade is involved with the public works project, or a riverine project or stormwater project in excess of one hundred twenty-five thousand dollars if only a single craft or trade is involved with the riverine project or stormwater project. A public works project, a riverine project, and a stormwater project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by public employees on a single project.

The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

~~((44))~~ (12) In addition to the accounting and recordkeeping requirements contained in chapter 39.04 RCW, any county which uses public employees to perform public works projects under RCW 36.32.240(1) shall prepare a year-end report to be submitted to the state auditor indicating the total dollar amount of the county's public works construction budget and the total dollar amount for public works projects performed by public employees for that year.

The year-end report submitted pursuant to this subsection to the state auditor shall be in accordance with the standard form required by RCW 43.09.205.

~~((42))~~ (13) Notwithstanding any other provision in this section, counties may use public employees without any limitation for emergency work performed under an emergency declared pursuant to RCW 36.32.270, and any such emergency work shall not be subject to the limitations of this section. Publication of the description and estimation of costs relating to correcting the emergency may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the county legislative authority shall adopt a resolution certifying the damage to public facilities and costs incurred or anticipated relating to correcting the emergency. Additionally this section shall not apply to architectural and engineering or other technical or professional services performed by public employees in connection with a public works project.

~~((43))~~ (14) In lieu of the procedures of subsections (3) through ~~((44))~~ (12) of this section, a county may let contracts using the small works roster process provided in RCW 39.04.155.

Whenever possible, the county shall invite at least one proposal from a certified minority or woman contractor who shall otherwise qualify under this section.

~~((44))~~ (15) The allocation of public works projects to be performed by county employees shall not be subject to a collective bargaining agreement.

~~((45))~~ (16) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

~~((46))~~ (17) Nothing in this section prohibits any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

~~((47))~~ (18) This section does not apply to contracts between the public stadium authority and a team affiliate under RCW 36.102.060(4), or development agreements between the public stadium authority and a team affiliate under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8).

NEW SECTION. Sec. 9. A new section is added to chapter 39.04 RCW to read as follows:

(1) The following public bodies of the state of Washington are authorized to procure public works contracts under this chapter for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades:

(a) Every county public transportation authority as defined under RCW 36.57.010;

(b) Every public transportation benefit area as defined under RCW 36.57A.010; and

(c) Every regional transit authority as defined under RCW 81.112.020.

(2) A public body may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(3) Unit priced contracts must be executed for an initial contract term not to exceed one year, with the public body having the option of extending or renewing the unit priced contract for one additional year.

(4) Invitations for unit price bids must include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the public body will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as provided in RCW 39.04.010. Whenever possible, the public body must invite at least one proposal from a certified minority or woman contractor who otherwise qualifies under this section.

(5) Unit priced contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

(6) All public works procured with a unit priced contract under this section must comply with all other applicable bid requirements.

(7) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the public body, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

Sec. 10. RCW 57.08.050 and 2015 c 136 s 1 are each amended to read as follows:

(1) All work ordered, the estimated cost of which is in excess of fifty thousand dollars, shall be let by contract and competitive bidding. Before awarding any such contract the board of commissioners shall publish a notice in a newspaper of general circulation where the district is located at least once thirteen days before the last date upon which bids will be received, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the

office of the board of commissioners subject to the public inspection. The notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of commissioners on or before the day and hour named therein.

Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless the bidder enters into a contract in accordance with the bidder's bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting the bidder's own plans and specifications. The board of commissioners may reject all bids for good cause and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If the contract is let, then all checks, cash, or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for doing the work, and a bond to perform such work furnished with sureties satisfactory to the board of commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If the bidder fails to enter into the contract in accordance with the bid and furnish the bond within ten days from the date at which the bidder is notified that the bidder is the successful bidder, the check, cash, or bid bonds and the amount thereof shall be forfeited to the district. If the bidder fails to enter into a contract in accordance with the bidder's bid, and the board of commissioners deems it necessary to take legal action to collect on any bid bond required by this section, then the district shall be entitled to collect from the bidder any legal expenses, including reasonable attorneys' fees occasioned thereby. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

(2) As an alternative to requirements under subsection (1) of this section, a water-sewer district may let contracts using the small works roster process under RCW 39.04.155.

(3) Any purchase of materials, supplies, or equipment, with an estimated cost in excess of forty thousand dollars, shall be by contract. Any purchase of materials, supplies, or equipment, with an estimated cost of less than fifty thousand dollars shall be made using the process provided in RCW 39.04.190. Any purchase of materials, supplies, or equipment with an estimated cost of fifty thousand dollars or more shall be made by competitive bidding following the procedure for letting contracts for projects under subsection (1) of this section.

(4) As an alternative to requirements under subsection (3) of this section, a water-sewer district may let contracts for purchase of materials, supplies, or equipment with the suppliers designated on current state agency, county, city, or town purchasing rosters for the materials, supplies, or equipment, when the roster has been established in accordance with the competitive bidding law for purchases applicable to the state agency, county, city, or town. The price and terms for purchases shall be as described on the applicable roster.

(5) The board may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

(6)(a) A district may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the district, under which the contractor agrees to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed one year, with the district having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids must include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the district will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the district must invite at least one proposal from a certified minority or woman contractor who otherwise qualifies under this section.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

Sec. 11. RCW 35.22.620 and 2018 c 74 s 1 are each amended to read as follows:

(1) As used in this section, the term "public works" means as defined in RCW 39.04.010.

(2) A first-class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first-class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period. The amount of public works that a first-class city has a county perform for it under RCW 35.77.020 shall be included within this ten percent limitation.

If a first-class city has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first-class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

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The state auditor shall report to the state treasurer any first-class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first-class city shall not have public employees perform a public works project in excess of ~~((ninety))~~ one hundred fifty thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of ~~((forty-five thousand))~~ seventy-five thousand five hundred dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

(4) In addition to the accounting and recordkeeping requirements contained in RCW 39.04.070, every first-class city annually may prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ten percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report may indicate the amount of public works that is performed by public employees within the current biennial period that is above or below ten percent of the total biennial construction budget.

Each first-class city with a population of one hundred fifty thousand or less shall use the form required by RCW 43.09.205 to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) The competitive bidding requirements of this section may be waived by the city legislative authority pursuant to RCW 39.04.280 if an exemption contained within that section applies to the work or contract.

(7) In lieu of the procedures of subsections (2) and (6) of this section, a first-class city may let contracts using the small works roster process in RCW 39.04.155.

Whenever possible, the city shall invite at least one proposal from a certified minority or woman contractor who shall otherwise qualify under this section.

(8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

(10) Nothing in this section shall prohibit any first-class city from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(11)(a) Any first-class city may procure public works with a unit priced contract under this section for the purpose of completing anticipated types of work based on hourly rates or unit pricing for one or more categories of work or trades.

(b) For the purposes of this section, "unit priced contract" means a competitively bid contract in which public works are anticipated on a recurring basis to meet the business or operational needs of the city, under which the contractor agrees

to a fixed period indefinite quantity delivery of work, at a defined unit price for each category of work.

(c) Unit priced contracts must be executed for an initial contract term not to exceed three years, with the city having the option of extending or renewing the unit priced contract for one additional year.

(d) Invitations for unit price bids shall include, for purposes of the bid evaluation, estimated quantities of the anticipated types of work or trades, and specify how the city will issue or release work assignments, work orders, or task authorizations pursuant to a unit priced contract for projects, tasks, or other work based on the hourly rates or unit prices bid by the contractor. Contracts must be awarded to the lowest responsible bidder as per RCW 39.04.010. Whenever possible, the city must invite at least one proposal from a certified minority or woman contractor who otherwise qualifies under this section.

(e) Unit price contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the prevailing wage rates in effect at the beginning date for each contract year. Unit priced contracts must have prevailing wage rates updated annually. Intents and affidavits for prevailing wages paid must be submitted annually for all work completed within the previous twelve-month period of the unit priced contract.

Sec. 12. RCW 52.14.110 and 2009 c 229 s 9 are each amended to read as follows:

Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(1) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of ~~((ten))~~ forty thousand dollars. However, whenever the estimated cost does not exceed ~~((fifty))~~ seventy-five thousand dollars, the commissioners may by resolution use the process provided in RCW 39.04.190 to award contracts;

(2) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of ~~((twenty))~~ thirty thousand dollars, which includes the costs of labor, material, and equipment;

(3) Contracts using the small works roster process under RCW 39.04.155; and

(4) Any contract for purchases or public work pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work.

Sec. 13. RCW 39.04.105 and 2003 c 300 s 1 are each amended to read as follows:

(1) Within two business days of the bid opening on a public works project that is the subject of competitive bids, the municipality must provide, if requested by a bidder, copies of the bids the municipality received for the project. The municipality shall then allow at least two full business days after providing bidders with copies of all bids before executing a contract for the project. Intermediate Saturdays, Sundays, and legal holidays are not counted.

(2) When a municipality receives a written protest from a bidder for a public works project ~~((which))~~ that is the subject of competitive bids, the municipality ~~((shall))~~ must not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the municipality's intent to execute a contract for

the project; provided that the protesting bidder submits notice in writing of its protest no later than:

(a) Two full business days following bid opening, if no bidder requested copies of the bids received for the project under subsection (1) of this section; or

(b) Two full business days following when the municipality provided copies of the bids to those bidders requesting bids under subsection (1) of this section. Intermediate Saturdays, Sundays, and legal holidays are not counted.

Sec. 14. RCW 54.04.082 and 2008 c 216 s 3 are each amended to read as follows:

For the awarding of a contract to purchase any item, or items of the same kind of materials, equipment, or supplies in an amount exceeding (~~(fifteen)~~ thirty thousand dollars per calendar month, but less than (~~(sixty)~~ one hundred twenty thousand dollars per calendar month, exclusive of sales tax, the commission may, in lieu of the procedure described in RCW 54.04.070 and 54.04.080 requiring public notice to invite sealed proposals for such materials, equipment, or supplies, pursuant to commission resolution use the process provided in RCW 39.04.190. Waiver of the deposit or bid bond required under RCW 54.04.080 may be authorized by the commission in securing such bid quotations.

Sec. 15. RCW 87.03.435 and 1997 c 354 s 3 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section and RCW 87.03.436, whenever in the construction of the district canal or canals, or other works, or the furnishing of materials therefor, the board of directors shall determine to let a contract or contracts for the doing of the work or the furnishing of the materials, a notice calling for sealed proposals shall be published. The notice shall be published in a newspaper in the county in which the office of the board is situated, (~~and~~) in any other newspaper which may be designated by the board, and on the irrigation district's web site or on the county's web site where the district is located if the district does not have a web site, and for such length of time, not less than once each week for two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let the work or the contract for the purchase of materials, either in portions or as a whole, to the lowest responsible bidder, or the board may reject any or all bids and readvertise, or may contract using the small works roster process in RCW 39.04.155 or may proceed to construct the work under its own superintendence. All work shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. The board of directors may require bidders submitting bids for the construction or maintenance for any of the works of the district, or for the furnishing of labor or material, to accompany their bids by a deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid and a bid shall not be considered unless the deposit is enclosed with it. If the contract is let, then all the bid deposits shall be returned to the unsuccessful bidders. The bid deposit of the successful bidder shall be retained until a contract is entered into for the purchase of the materials or doing of such work, and a bond given to the district in accordance with chapter 39.08 RCW for the performance of the contract. The performance bond shall be conditioned as may be required by law and as may be required by resolution of the board, with good and sufficient sureties satisfactory to the board, payable to the district for its use, for at least twenty-five percent of the contract price. If the successful bidder fails to enter into a contract and furnish the necessary bond within twenty days from the award, exclusive of

the day of the award, the bid deposit shall be forfeited to the district and the contract may then be awarded to the second lowest bidder.

(2) The provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material.

(3) The provisions of this section do not apply:

(a) In the case of any contract between the district and the United States;

(b) In the case of an emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board of directors or proclamation of an official designated by the board to act for the board during such emergencies. The resolution or proclamation shall declare the existence of the emergency and recite the facts constituting the emergency; or

(c) To purchases which are clearly and legitimately limited to a single source of supply or to purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

NEW SECTION. Sec. 16. (1) The legislature finds that there are hundreds of local governments and special purpose districts and due to their existing authority and structure, partial legislative measures are introduced each year to amend the procurement thresholds for each individual entity. Therefore the legislature intends to require a comprehensive review of all local government bid limits for public works projects and purchases, including the small works roster and limited public works processes, rather than amend procurement rules and contract thresholds on a case-by-case basis.

(2) Subject to funds appropriated for this purpose, the capital projects advisory review board must review the public works contracting processes for local governments, including the small works roster and limited public works processes provided in RCW 39.04.155, and report to the governor and appropriate committees of the legislature by November 1, 2020. The report must include the following:

(a) Identification of the most common contracting procedures used by local governments;

(b) Identification of the dollar amounts set for local government public works contracting processes;

(c) Analysis of whether the dollar amounts identified in (b) of this subsection comport with estimated project costs within the relevant industries;

(d) An analysis of the potential application of an inflation-based increaser, taking regional factors into consideration, to the dollar amounts identified in (b) of this subsection, for example:

(i) Applying the implicit price deflator for state and local government purchases of goods and services for the United States as published by the bureau of economic analysis of the federal department of commerce; and

(ii) Adjusting the bid limit dollar thresholds for inflation, on a regional basis, by the building cost index during that time period;

(e) Recommendations to increase uniformity and efficiency for local government public works contracting and procurement processes;

(f) Rates of participation of all contractor types, including qualified minority and women-owned and controlled businesses, in the small works roster and limited public works contracting processes; and

(g) Barriers to improving the participation rate in the small works roster and limited public works contracting processes.

(3) For purposes of this section:

(a) "Local governments" refers to all counties, cities, towns, other political subdivisions, and special purpose districts.

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(b) "Building cost index" means the building cost index for Seattle, Washington, compiled by engineering news record, a nationally recognized professional construction trade periodical. The building cost index uses average skilled construction labor rates, structural steel, concrete, and lumber as the basis of measurement."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Takko moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5418.

Senator Takko spoke in favor of the motion.

Senator Short spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Takko that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5418.

The motion by Senator Takko carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5418 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5418, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5418, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Braun, Brown, Honeyford, Padden, Rivers, Schoesler and Short

Excused: Senators Ericksen and Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5418, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5425 with the following amendment(s): 5425-S AMH APP H2815.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.54.450 and 2016 c 238 s 1 are each amended to read as follows:

(1) For the purposes of this section, "maternal mortality" or "maternal death" means a death of a woman while pregnant or within one year of ~~((delivering or following))~~ the end of a

pregnancy, ~~((whether or not the woman's death is related to or aggravated by the pregnancy))~~ from any cause.

(2) A maternal mortality review panel is established to conduct comprehensive, multidisciplinary reviews of maternal deaths in Washington to identify factors associated with the deaths and make recommendations for system changes to improve health care services for women in this state. The members of the panel must be appointed by the secretary of the department of health, must include at least one tribal representative, must serve without compensation, and may include at the discretion of the department:

- ~~(a) ((An obstetrician;~~
- ~~(b) A physician specializing in maternal fetal medicine;~~
- ~~(c) A neonatologist;~~
- ~~(d) A midwife with licensure in the state of Washington;))~~
- Women's medical, nursing, and service providers:
 - (b) Perinatal medical, nursing, and service providers;
 - (c) Obstetric medical, nursing, and service providers;
 - (d) Newborn or pediatric medical, nursing, and service providers;
 - (e) Birthing hospital or licensed birth center representative;
 - (f) Coroners, medical examiners, or pathologists;
 - (g) Behavioral health and service providers;
 - (h) State agency representatives;
 - (i) Individuals or organizations that represent the populations most affected by pregnancy-related deaths or pregnancy-associated deaths and lack of access to maternal health care services;

- (j) A representative from the department of health who works in the field of maternal and child health; and
- ~~((+))~~ (k) A department of health epidemiologist with experience analyzing perinatal data((;
- ~~(g) A pathologist; and~~
- ~~(h) A representative of the community mental health centers;))~~

(3) The maternal mortality review panel must conduct comprehensive, multidisciplinary reviews of maternal mortality in Washington. The panel may not call witnesses or take testimony from any individual involved in the investigation of a maternal death or enforce any public health standard or criminal law or otherwise participate in any legal proceeding relating to a maternal death.

(4)(a) Information, documents, proceedings, records, and opinions created, collected, or maintained by the maternity mortality review panel or the department of health in support of the maternal mortality review panel are confidential and are not subject to public inspection or copying under chapter 42.56 RCW and are not subject to discovery or introduction into evidence in any civil or criminal action.

(b) Any person who was in attendance at a meeting of the maternal mortality review panel or who participated in the creation, collection, or maintenance of the panel's information, documents, proceedings, records, or opinions may not be permitted or required to testify in any civil or criminal action as to the content of such proceedings, or the panel's information, documents, records, or opinions. This subsection does not prevent a member of the panel from testifying in a civil or criminal action concerning facts which form the basis for the panel's proceedings of which the panel member had personal knowledge acquired independently of the panel or which is public information.

(c) Any person who, in substantial good faith, participates as a member of the maternal mortality review panel or provides information to further the purposes of the maternal mortality review panel may not be subject to an action for civil damages or other relief as a result of the activity or its consequences.

(d) All meetings, proceedings, and deliberations of the maternal mortality review panel may, at the discretion of the maternal mortality review panel, be confidential and may be conducted in executive session.

(e) The maternal mortality review panel and ~~((the secretary of))~~ the department of health may retain identifiable information regarding facilities where maternal deaths occur, or facilities from which ~~((the patient was transferred, occur))~~ a patient whose record is or will be examined by the maternal mortality review panel was transferred, and geographic information on each case ~~((solely))~~ for the purposes of ~~((trending and analysis over time))~~ determining trends, performing analysis over time, and for quality improvement efforts. All individually identifiable information must be removed before any case review by the panel.

(5) The department of health shall review department available data to identify maternal deaths. To aid in determining whether a maternal death was related to or aggravated by the pregnancy, ~~((and))~~ whether it was preventable, and to coordinate quality improvement efforts, the department of health has the authority to:

(a) Request and receive data for specific maternal deaths including, but not limited to, all medical records, autopsy reports, medical examiner reports, coroner reports, and social service records; and

(b) Request and receive data as described in (a) of this subsection from health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, ~~((and))~~ the department of social and health services and its licensees and providers, and the department of children, youth, and families and its licensees and providers.

(6) Upon request by the department of health, health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, ~~((and))~~ the department of social and health services and its licensees and providers, and the department of children, youth, and families and its licensees and providers must provide all medical records, autopsy reports, medical examiner reports, coroner reports, social services records, information and records related to sexually transmitted diseases, and other data requested for specific maternal deaths as provided for in subsection (5) of this section to the department.

(7) By ~~((July 1, 2017))~~ October 1, 2019, and ~~((biennially))~~ every three years thereafter, the maternal mortality review panel must submit a report to the secretary of the department of health and the health care committees of the senate and house of representatives. The report must protect the confidentiality of all decedents and other participants involved in any incident. The report must be distributed to relevant stakeholder groups for performance improvement. Interim results may be shared ~~((at))~~ with the Washington state hospital association coordinated quality improvement program. The report must include the following:

(a) A description of the maternal deaths reviewed by the panel ~~((during the preceding twenty four months)),~~ including statistics and causes of maternal deaths presented in the aggregate, but the report must not disclose any identifying information of patients, decedents, providers, and organizations involved; and

(b) Evidence-based system changes and possible legislation to improve maternal outcomes and reduce preventable maternal deaths in Washington.

(8) Upon the approval of the department of health and with a signed written data-sharing agreement, the department of health may release either data or findings with indirect identifiers, or

both, to the centers for disease control and prevention, regional maternal mortality review efforts, local health jurisdictions of Washington state, or tribes at the discretion of the department.

(a) A written data-sharing agreement under this section must, at a minimum:

(i) Include a description of the proposed purpose of the request, the scientific justification for the proposal, the type of data needed, and the purpose for which the data will be used;

(ii) Include the methods to be used to protect the confidentiality and security of the data;

(iii) Prohibit redisclosure of any identifiers without express written permission from the department of health;

(iv) Prohibit the recipient of the data from attempting to determine the identity of persons or parties whose information is included in the data set or use the data in any manner that identifies individuals or their family members, or health care providers and facilities;

(v) State that ownership of data provided under this section remains with the department of health, and is not transferred to those authorized to receive and use the data under the agreement; and

(vi) Require the recipient of the data to include appropriate citations when the data is used in research reports or publications of research findings.

(b) The department of health may deny a request to share either data or findings, or both, that does not meet the requirements.

(c) For the purposes of this subsection:

(i) "Direct identifier" means a single data element that identifies an individual person.

(ii) "Indirect identifier" means a single data element that on its own might not identify an individual person, but when combined with other indirect identifiers is likely to identify an individual person.

(9) For the purposes of the maternal mortality review, hospitals and licensed birth centers must make a reasonable and good faith effort to report all deaths that occur during pregnancy or within forty-two days of the end of pregnancy to the local coroner or medical examiner:

(a) These deaths must be reported within thirty-six hours after death.

(b) Local coroners or medical examiners to whom the death was reported must conduct a death investigation, with autopsy strongly recommended.

(c) Autopsies must follow the guidelines for performance of an autopsy published by the department of health.

(d) Reimbursement of these autopsies must be at one hundred percent to the counties for autopsy services.

Sec. 2. RCW 70.02.230 and 2018 c 201 s 8002 are each amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated crisis responder;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person

or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(~~(iii)~~) (iv). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(~~(iii)~~) (iv);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law

enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the authority, to the director of behavioral health organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or substance use disorder of persons who are under the supervision of the department;

(s) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(t) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(u)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility or health care provider or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(u) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

(v) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (u) of this subsection;

(w) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(x) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(y) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(z) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(aa)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

(bb) To any person if the conditions in RCW 70.02.205 are met;

(cc) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450.

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for chemical dependency, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

- (i) One thousand dollars; or
- (ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

NEW SECTION. Sec. 3. 2016 c 238 s 4 (uncodified) is repealed.

Sec. 4. RCW 68.50.104 and 2001 c 82 s 2 are each amended to read as follows:

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2)(a) Except as provided in ~~((e))~~ (b) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

~~((e))~~ (i) Up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy;

~~((b))~~ (ii) Up to twenty-five percent of the salary of pathologists who are primarily engaged in performing autopsies and are ~~((+))~~ (A) county coroners or county medical examiners, or ~~((+))~~ (B) employees of a county coroner or county medical examiner; and

~~((e))~~ (iii) One hundred percent of the cost of autopsies conducted under RCW 70.54.450.

(b) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100 (4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

(3) Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels.

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, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5425.
Senator Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5425.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5425 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5425, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5425, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Salomon

SUBSTITUTE SENATE BILL NO. 5425, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5429 with the following amendment(s): 5429.E AMH HSEL H2495.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.510 and 2017 3rd sp.s. c 6 s 621 are each amended to read as follows:

(1) In order to receive funds under RCW 13.40.500 through 13.40.540, local governments may, through their respective agencies that administer funding for consolidated juvenile services, submit proposals that establish community juvenile accountability programs within their communities. These proposals must be submitted to the department for certification.

(2) The proposals must:

(a) Demonstrate that the proposals were developed with the input of the local law and justice councils established under RCW 72.09.300;

(b) Describe how local community groups or members are involved in the implementation of the programs funded under RCW 13.40.500 through 13.40.540;

(c) Include a description of how the grant funds will contribute to the expected outcomes of the program and the reduction of youth violence and juvenile crime in their community. Data approaches are not required to be replicated if the networks have information that addresses risks in the community for juvenile offenders.

(3) A local government receiving a grant under this section shall agree that any funds received must be used efficiently to encourage the use of community-based programs that reduce the reliance on secure confinement as the sole means of holding juvenile offenders accountable for their crimes. The local government shall also agree to account for the expenditure of all funds received under the grant and to submit to audits for compliance with the grant criteria developed under RCW 13.40.520.

(4) The department, in consultation with the Washington association of juvenile court administrators and the state law and justice advisory council, shall establish guidelines for programs that may be funded under RCW 13.40.500 through 13.40.540. The guidelines must:

(a) Target referred and diverted (~~and~~) youth, as well as adjudicated juvenile offenders;

(b) Include assessment methods to determine services, programs, and intervention strategies most likely to change behaviors and norms of juvenile offenders;

(c) Provide maximum structured supervision in the community. Programs should use natural surveillance and community guardians such as employers, relatives, teachers, clergy, and community mentors to the greatest extent possible;

(d) Promote good work ethic values and educational skills and competencies necessary for the juvenile offender to function effectively and positively in the community;

(e) Maximize the efficient delivery of treatment services aimed at reducing risk factors associated with the commission of juvenile offenses;

(f) Maximize the reintegration of the juvenile offender into the community upon release from confinement;

(g) Maximize the juvenile offender's opportunities to make full restitution to the victims and amends to the community;

(h) Support and encourage increased court discretion in imposing community-based intervention strategies;

(i) Be compatible with research that shows which prevention and early intervention strategies work with juvenile offenders;

(j) Be outcome-based in that it describes what outcomes will be achieved or what outcomes have already been achieved;

(k) Include an evaluation component; and

(l) Recognize the diversity of local needs.

(5) The state law and justice advisory council may provide support and technical assistance to local governments for training and education regarding community-based prevention and intervention strategies.

(6) For purposes of this section and sections 2 and 3 of this act, "referred youth" means a youth who:

(a) Was contacted by a law enforcement officer and the law enforcement officer has probable cause to believe that he or she has committed a crime;

(b) Was referred to a program that allows youth to enter before being diverted or charged with a juvenile offense; and

(c) Would have been diverted or charged with a juvenile offense, if not for the program to which he or she was referred.

NEW SECTION. Sec. 2. A new section is added to chapter 13.40 RCW to read as follows:

(1) The department shall provide, in compliance with RCW 43.01.036, an annual report on December 1st to the appropriate committees of the legislature that includes a county by county description of the youth served by the programs funded under RCW 13.40.500 through 13.40.540 including the number of youth in each of those counties who were eligible for programs based on being a referred youth as defined by RCW 13.40.510.

(2) This section expires July 1, 2021.

NEW SECTION. Sec. 3. (1) As of the effective date of this section, the block grant oversight committee must implement a stop loss policy when allocating funding under RCW 13.40.510. The stop loss policy must limit the loss in funding for any juvenile court from one year to the next. The block grant oversight committee must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth ten years of age and over but under eighteen years of age. The department of children, youth, and families must report, in compliance with RCW 43.01.036, to the legislature by December 1, 2019, about how funding is used for referred youth and the impact of that use on overall use of funding.

(2) For purposes of this section, "block grant oversight committee" means a committee established by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts that provides block grant funding formula oversight with equal representation from the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee is cochaired by the juvenile rehabilitation division of the department of children, youth, and families and the juvenile courts, who have the ability to change members of the committee as needed to achieve its purpose."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Nguyen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5429.

Senator Nguyen spoke in favor of the motion.

ONE HUNDREDTH DAY, APRIL 23, 2019

2019 REGULAR SESSION

The President declared the question before the Senate to be the motion by Senator Nguyen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5429.

The motion by Senator Nguyen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5429 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5429, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5429, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Ericksen and Salomon

ENGROSSED SENATE BILL NO. 5429, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5986, by Senators Braun, Keiser, Kuderer and Van De Wege

Establishing a tax on vapor and heated tobacco products to fund cancer research and support local public health.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5986 was substituted for Senate Bill No. 5986 and the substitute bill was placed on the second reading and read the second time.

Senator Braun moved that the following striking amendment no. 767 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

Part I

Tax on Vapor Products

NEW SECTION. Sec. 101. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual price" means the total amount of consideration for which vapor products are sold, valued in money, whether received in money or otherwise, including: (a) Any charges by the seller necessary to complete the sale such as charges for delivery,

freight, transportation, or handling; and (b) in the case of a taxpayer importing vapor products into the state, any expenses of the taxpayer or any person affiliated with the taxpayer that are necessary to complete the importation, such as delivery, freight, transportation, federal taxes, or handling of the product.

(2) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(3) "Board" means the Washington state liquor and cannabis board.

(4) "Business" means any trade, occupation, activity, or enterprise engaged in selling or distributing vapor products in this state.

(5) "Distributor" mean any person:

(a) Engaged in the business of selling vapor products in this state who brings, or causes to be brought, into this state from outside the state any vapor products for sale;

(b) Who makes, manufactures, fabricates, or stores vapor products in this state for sale in this state;

(c) Engaged in the business of selling vapor products outside this state who ships or transports vapor products to retailers or consumers in this state; or

(d) Engaged in the business of selling vapor products in this state who handles for sale any vapor products that are within this state but upon which tax has not been imposed.

(6) "Indian country" has the same meaning as provided in RCW 82.24.010.

(7) "Manufacturer" has the same meaning as provided in RCW 70.345.010.

(8) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's vapor products and includes employees and independent contractors.

(9) "Person" means: Any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, corporation, limited liability company, association, or society; the state and its departments and institutions; any political subdivision of the state of Washington; and any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. Except as provided otherwise in this chapter, "person" does not include any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(10) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, or train.

(11) "Retail outlet" has the same meaning as provided in RCW 70.345.010.

(12) "Retailer" has the same meaning as provided in RCW 70.345.010.

(13) "Sale" has the same meaning as provided in RCW 70.345.010.

(14)(a) "Taxable sales price" means:

(i) In the case of a taxpayer that is not affiliated with the manufacturer, distributor, or other person from whom the taxpayer purchased vapor products, the actual price for which the taxpayer purchased the vapor products;

(ii) In the case of a taxpayer that purchases vapor products from an affiliated manufacturer, affiliated distributor, or other affiliated person, and that sells those vapor products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers, the actual price for which that taxpayer sells those vapor products to

unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iii) In the case of a taxpayer that sells vapor products only to affiliated distributors or affiliated retailers, the price, determined as nearly as possible according to the actual price, that other distributors sell similar vapor products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iv) In the case of a taxpayer that is a manufacturer selling vapor products directly to ultimate consumers, the actual price for which the taxpayer sells those vapor products to ultimate consumers;

(v) In the case of a taxpayer that has acquired vapor products under a sale as defined in RCW 70.345.010(16)(b), the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same vapor products or similar vapor products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(vi) In cases where section 102(2)(b) of this act applies, the value of the article used as defined in RCW 82.12.010; or

(vii) In any case where (a)(i) through (vi) of this subsection do not apply, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same vapor products or similar vapor products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers.

(b) For purposes of (a)(i) and (ii) of this subsection only, "person" includes both persons as defined in this section and any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(c) In any case where the taxable sales price is not indicative of a vapor product's true value at the time and place of the taxable event as provided in section 102(2)(a) of this act, "taxable sales price" means the true value of the vapor product as determined by the department. For purposes of this subsection, "true value" means market value based on sales at comparable locations in this state of the same or similar vapor product of like quality and character sold under comparable conditions of sale by comparable sellers to comparable purchasers.

(15) "Taxpayer" means a person liable for the tax imposed by this chapter.

(16) "Unaffiliated distributor" means a distributor that is not affiliated with the manufacturer, distributor, or other person from whom the distributor has purchased vapor products.

(17) "Unaffiliated retailer" means a retailer that is not affiliated with the manufacturer, distributor, or other person from whom the retailer has purchased vapor products.

(18) "Vapor product" means any noncombustible product containing a solution that contains nicotine, which employs a mechanical heating element, battery, or electronic circuit regardless of shape or size that can be used to produce vapor from the solution or other substance, including an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, any vapor cartridge or other container, or similar product or device.

(a) The term does not include:

(i) Any product approved by the United States food and drug administration for sale as a tobacco cessation product, medical device, or for other therapeutic purposes when such product is marketed and sold solely for such an approved purpose;

(ii) Any product that will become an ingredient or component in a vapor product manufactured by a distributor; or

(iii) Any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(b) For purposes of this subsection (18):

(i) "Cigarette" has the same meaning as provided in RCW 82.24.010; and

(ii) "Marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

NEW SECTION. Sec. 102. (1) There is levied and collected a tax upon the sale, use, consumption, handling, possession, or distribution of all vapor products in this state in an amount equal to ten cents per milliliter of solution and a proportionate tax at the like rate on all fractional parts of a milliliter thereof. The tax on vapor products must be imposed based on the volume of the solution as listed by the manufacturer.

(2)(a) The tax under this section must be collected at the time the distributor: (i) Brings, or causes to be brought, into this state from without the state vapor products for sale; (ii) makes, manufactures, fabricates, or stores vapor products in this state for sale in this state; (iii) ships or transports vapor products to retailers or consumers in this state; or (iv) handles for sale any vapor products that are within this state but upon which tax has not been imposed.

(b) The tax imposed under this section must also be collected by the department from the consumer of vapor products where the tax imposed under this section was not paid by the distributor on such vapor products.

(3)(a) The moneys collected under this section must be deposited as follows:

(i) Fifty percent into the Andy Hill cancer research fund created in RCW 43.348.060; and

(ii) Fifty percent into the foundational public health services account created in section 104 of this act.

(b) The funding provided under this subsection is intended to supplement and not supplant general fund investments in cancer research and foundational public health services.

NEW SECTION. Sec. 103. (1) A bundled transaction that includes a vapor product is subject to the tax imposed under this chapter on only the milliliters, or portion of milliliters, of vapor products included in the bundled transaction.

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

(a) "Bundled transaction" means:

(i) The sale of two or more products where the products are otherwise distinct and identifiable, are sold for one nonitemized price, and at least one product is a vapor product subject to the tax under this chapter; and

(ii) A vapor product provided free of charge with the required purchase of another product. A vapor product is provided free of charge if the sales price of the product purchased does not vary depending on the inclusion of the vapor product provided free of charge.

(b) "Distinct and identifiable products" does not include packaging such as containers, boxes, sacks, bags, and bottles, or materials such as wrapping, labels, tags, and instruction guides, that accompany the sale of the products and are incidental or immaterial to the sale thereof.

NEW SECTION. Sec. 104. (1) The foundational public health services account is created in the state treasury. Fifty percent of the revenues from the tax collected under section 102 of this act and fifty percent of the revenues from the tax collected on heated tobacco products under RCW 82.26.020 must be deposited into the account for the purpose of promoting governmental public health.

(2) To determine the funding for foundational public health services pursuant to subsection (1) of this section, the

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governmental public health system must work together to: (a) Arrive at a mutually acceptable allocation and distribution of funds from the account using the process established in chapter 14, Laws of 2019; and (b) determine the best accountability measures to ensure efficient and effective use of funds, emphasizing use of shared services where appropriate.

NEW SECTION. Sec. 105. It is the intent and purpose of this chapter to levy a tax on all vapor products sold, used, consumed, handled, possessed, or distributed within this state. It is the further intent and purpose of this chapter to impose the tax only once on all vapor products in this state. Nothing in this chapter may be construed to exempt any person taxable under any other law or under any other tax imposed under this title.

NEW SECTION. Sec. 106. The tax imposed by section 102 of this act does not apply with respect to any vapor products which under the Constitution and laws of the United States may not be made the subject of taxation by this state.

NEW SECTION. Sec. 107. (1) Every distributor must keep at each place of business complete and accurate records for that place of business, including itemized invoices, of vapor products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of vapor products made.

(2) These records must show the names and addresses of purchasers, the inventory of all vapor products, and other pertinent papers and documents relating to the purchase, sale, or disposition of vapor products. All invoices and other records required by this section to be kept must be preserved for a period of five years from the date of the invoices or other documents or the date of the entries appearing in the records.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the vapor products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees are denied free access or are hindered or interfered with in making such examination, the registration certificate issued under RCW 82.32.030 of the distributor at such premises are subject to revocation by the department, and any licenses issued under chapter 70.345, 82.26, or 82.24 RCW are subject to suspension or revocation by the board.

NEW SECTION. Sec. 108. Every person required to be licensed under chapter 70.345 RCW who sells vapor products to persons other than the ultimate consumer must render with each sale itemized invoices showing the seller's name and address, the purchaser's name and address, the date of sale, and all prices. The person must preserve legible copies of all such invoices for five years from the date of sale.

NEW SECTION. Sec. 109. (1) Every retailer must procure itemized invoices of all vapor products purchased. The invoices must show the seller's name and address, the date of purchase, and all prices and discounts.

(2) The retailer must keep at each retail outlet copies of complete, accurate, and legible invoices for that retail outlet or place of business. All invoices required to be kept under this section must be preserved for five years from the date of purchase.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any retail outlet without a search warrant, and inspect the premises for invoices required to be kept under this section and the vapor

products contained in the retail outlet, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees are denied free access or are hindered or interfered with in making the inspection, the registration certificate issued under RCW 82.32.030 of the retailer at the premises is subject to revocation by the department, and any licenses issued under chapter 70.345, 82.26, or 82.24 RCW are subject to suspension or revocation by the board.

NEW SECTION. Sec. 110. (1)(a) Where vapor products upon which the tax imposed by this chapter has been reported and paid are shipped or transported outside this state by the distributor to a person engaged in the business of selling vapor products, to be sold by that person, or are returned to the manufacturer by the distributor or destroyed by the distributor, or are sold by the distributor to the United States or any of its agencies or instrumentalities, or are sold by the distributor to any Indian tribal organization, credit of such tax may be made to the distributor in accordance with rules prescribed by the department.

(b) For purposes of this subsection (1), the following definitions apply:

(i) "Indian distributor" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "distributor" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(ii) "Indian retailer" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "retailer" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(iii) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian distributor or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country.

(2) Credit allowed under this section must be determined based on the tax rate in effect for the period for which the tax imposed by this chapter, for which a credit is sought, was paid.

NEW SECTION. Sec. 111. All of the provisions contained in chapter 82.32 RCW not inconsistent with the provisions of this chapter have full force and application with respect to taxes imposed under the provisions of this chapter.

NEW SECTION. Sec. 112. The department must authorize, as duly authorized agents, enforcement officers of the board to enforce provisions of this chapter. These officers are not employees of the department.

NEW SECTION. Sec. 113. (1) The department may by rule establish the invoice detail required under section 107 of this act for a distributor and for those invoices required to be provided to retailers under section 109 of this act.

(2) If a retailer fails to keep invoices as required under section 109 of this act, the retailer is liable for the tax owed on any uninvoiced vapor products but not penalties and interest, except as provided in subsection (3) of this section.

(3) If the department finds that the nonpayment of tax by the retailer was willful or if in the case of a second or plural nonpayment of tax by the retailer, penalties and interest must be assessed in accordance with chapter 82.32 RCW.

NEW SECTION. Sec. 114. (1) No person may transport or cause to be transported in this state vapor products for sale other than: (a) A licensed distributor under chapter 70.345 RCW, or a

manufacturer's representative authorized to sell or distribute vapor products in this state under chapter 70.345 RCW; (b) a licensed retailer under chapter 70.345 RCW; (c) a seller with a valid delivery sale license under chapter 70.345 RCW; or (d) a person who has given notice to the board in advance of the commencement of transportation.

(2) When transporting vapor products for sale, the person must have in his or her actual possession, or cause to have in the actual possession of those persons transporting such vapor products on his or her behalf, invoices or delivery tickets for the vapor products, which must show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the vapor products being transported.

(3) In any case where the department or the board, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting vapor products in violation of this section, the department, board, or peace officer is authorized to stop the vehicle and to inspect it for contraband vapor products.

(4) This section does not apply to a motor carrier or freight forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier as defined in Title 49 U.S.C. Sec. 40102.

NEW SECTION. Sec. 115. The board must compile and maintain a current record of the names of all distributors, retailers, and delivery sales licenses under chapter 70.345 RCW and the status of their license or licenses. The information must be updated on a monthly basis and published on the board's official internet web site. This information is not subject to the confidentiality provisions of RCW 82.32.330 and must be disclosed to manufacturers, distributors, retailers, and the general public upon request.

NEW SECTION. Sec. 116. (1) No person engaged in or conducting business as a distributor or retailer in this state may:

(a) Make, use, or present or exhibit to the department or the board any invoice for any of the vapor products taxed under this chapter that bears an untrue date or falsely states the nature or quantity of the goods invoiced; or

(b) Fail to produce on demand of the department or the board all invoices of all the vapor products taxed under this chapter within five years prior to such demand unless the person can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond the person's control.

(2)(a) No person, other than a licensed distributor, retailer or delivery sales licensee, or manufacturer's representative, may transport vapor products for sale in this state for which the taxes imposed under this chapter have not been paid unless:

(i) Notice of the transportation has been given as required under section 114 of this act;

(ii) The person transporting the vapor products actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of vapor products being transported; and

(iii) The vapor products are consigned to or purchased by a person in this state who is licensed under chapter 70.345 RCW.

(b) A violation of this subsection (2) is a gross misdemeanor.

(3) Any person licensed under chapter 70.345 RCW as a distributor, and any person licensed under chapter 70.345 RCW as a retailer, may not operate in any other capacity unless the additional appropriate license is first secured, except as otherwise provided by law. A violation of this subsection (3) is a misdemeanor.

(4) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

(5) This section does not apply to a motor carrier or freight forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier as defined in Title 49 U.S.C. Sec. 40102.

NEW SECTION. Sec. 117. (1) A retailer that obtains vapor products from an unlicensed distributor or any other person that is not licensed under chapter 70.345 RCW must be licensed both as a retailer and a distributor and is liable for the tax imposed under section 102 of this act with respect to the vapor products acquired from the unlicensed person that are held for sale, handling, or distribution in this state. For the purposes of this subsection, "person" includes both persons defined in this act and any person immune from state taxation, such as the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(2) Every distributor licensed under chapter 70.345 RCW may sell vapor products to retailers located in Washington only if the retailer has a current retailer's license under chapter 70.345 RCW.

NEW SECTION. Sec. 118. A manufacturer that has manufacturer's representatives who sell or distribute the manufacturer's vapor products in this state must provide the board a list of the names and addresses of all such representatives and must ensure that the list provided to the board is kept current. A manufacturer's representative is not authorized to distribute or sell vapor products in this state unless the manufacturer that hired the representative has a valid distributor's license under chapter 70.345 RCW and that manufacturer provides the board a current list of all of its manufacturer's representatives as required by this section. A manufacturer's representative must carry a copy of the distributor's license of the manufacturer that hired the representative at all times when selling or distributing the manufacturer's vapor products.

NEW SECTION. Sec. 119. (1) Any vapor products in the possession of a person selling vapor products in this state acting as a distributor or retailer and who is not licensed as required under chapter 70.345 RCW, or a person who is selling vapor products in violation of RCW 82.24.550(6), may be seized without a warrant by any agent of the department, agent of the board, or law enforcement officer of this state. Any vapor products seized under this subsection are deemed forfeited.

(2) Any vapor products in the possession of a person who is not a licensed distributor, delivery seller, manufacturer's representative, or retailer and who transports vapor products for sale without having provided notice to the board required under section 114 of this act, or without invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of vapor products being transported may be seized and are subject to forfeiture.

(3) All conveyances, including aircraft, vehicles, or vessels that are used, or intended for use to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of vapor products under subsection (2) of this section, may be seized and are subject to forfeiture except:

(a) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the vapor products transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

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(b) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner establishes to have been committed or omitted without his or her knowledge or consent; or

(c) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(4) Property subject to forfeiture under subsections (2) and (3) of this section may be seized by any agent of the department, the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, board, or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(5) This section may not be construed to require the seizure of vapor products if the department's agent, board's agent, or law enforcement officer reasonably believes that the vapor products are possessed for personal consumption by the person in possession of the vapor products.

(6) Any vapor products seized by a law enforcement officer must be turned over to the board as soon as practicable.

(7) This section does not apply to a motor carrier or freight forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier as defined in Title 49 U.S.C. Sec. 40102.

NEW SECTION. Sec. 120. (1) In all cases of seizure of any vapor products made subject to forfeiture under this chapter, the department or board must proceed as provided in RCW 82.24.135.

(2) When vapor products are forfeited under this chapter, the department or board may:

(a) Retain the property for official use or upon application by any law enforcement agency of this state, another state, or the District of Columbia, or of the United States for the exclusive use of enforcing this chapter or the laws of any other state or the District of Columbia or of the United States; or

(b) Sell the vapor products at public auction to the highest bidder after due advertisement. Before delivering any of the goods to the successful bidder, the department or board must require the purchaser to pay the proper amount of any tax due. The proceeds of the sale must be first applied to the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. The balance of the proceeds and all money must be deposited in the general fund of the state. Proper expenses of investigation include costs incurred by any law enforcement agency or any federal, state, or local agency.

(3) The department or the board may return any property seized under the provisions of this chapter when it is shown that there was no intention to violate the provisions of this chapter. When any property is returned under this section, the department or the board may return the property to the parties from whom they were seized if and when such parties have paid the proper amount of tax due under this chapter.

NEW SECTION. Sec. 121. When the department or the board has good reason to believe that any of the vapor products taxed under this chapter are being kept, sold, offered for sale, or given away in violation of the provisions of this chapter, it may make affidavit of facts describing the place or thing to be searched, before any judge of any court in this state, and the judge

must issue a search warrant directed to the sheriff, any deputy, police officer, or duly authorized agent of the department or the board commanding him or her diligently to search any building, room in a building, place, or vehicle as may be designated in the affidavit and search warrant, and to seize the vapor products and hold them until disposed of by law.

NEW SECTION. Sec. 122. (1)(a) Where vapor products upon which the tax imposed by this chapter has been reported and paid are shipped or transported outside this state by the distributor to a person engaged in the business of selling vapor products, to be sold by that person, or are returned to the manufacturer by the distributor or destroyed by the distributor, or are sold by the distributor to the United States or any of its agencies or instrumentalities, or are sold by the distributor to any Indian tribal organization, credit of such tax may be made to the distributor in accordance with rules prescribed by the department.

(b) For purposes of this subsection (1), the following definitions apply:

(i) "Indian distributor" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "distributor" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(ii) "Indian retailer" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "retailer" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(iii) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian distributor or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country.

(2) Credit allowed under this section must be determined based on the tax rate in effect for the period for which the tax imposed by this chapter, for which a credit is sought, was paid.

NEW SECTION. Sec. 123. (1) Preexisting inventories of vapor products are subject to the tax imposed in section 102 of this act. All retailers and other distributors must report the tax due under section 102 of this act on preexisting inventories of vapor products on a form, as prescribed by the department, on or before October 31, 2019, and the tax due on such preexisting inventories must be paid on or before January 31, 2020.

(2) Reports under subsection (1) of this section not filed with the department by October 31, 2019, are subject to a late filing penalty equal to the greater of two hundred fifty dollars or ten percent of the tax due under section 102 of this act on the taxpayer's preexisting inventories.

(3) The department must notify the taxpayer of the amount of tax due under section 102 of this act on preexisting inventories, which is subject to applicable penalties under RCW 82.32.090 (2) through (7) if unpaid after January 31, 2020. Amounts due in accordance with this section are not considered to be substantially underpaid for the purposes of RCW 82.32.090(2).

(4) Interest, at the rate provided in RCW 82.32.050(2), must be computed daily beginning February 1, 2020, on any remaining tax due under section 102 of this act on preexisting inventories until paid.

(5) A retailer required to comply with subsection (1) of this section is not required to obtain a distributor license as otherwise required under chapter 70.345 RCW as long as the retailer:

(a) Does not sell vapor products other than to ultimate consumers; and

(b) Does not meet the definition of "distributor" in section 101 of this act other than with respect to the sale of that retailer's preexisting inventory of vapor products.

(6) Taxes may not be collected under section 102 of this act from consumers with respect to any vapor products acquired before the effective date of this section.

(7) For purposes of this section, "preexisting inventory" means an inventory of vapor products located in this state as of the moment that section 102 of this act takes effect and held by a distributor for sale, handling, or distribution in this state.

Part II

Conforming Amendments

Sec. 201. RCW 66.08.145 and 2016 sp.s. c 38 s 29 are each amended to read as follows:

(1) The liquor and cannabis board may issue subpoenas in connection with any investigation, hearing, or proceeding for the production of books, records, and documents held under this chapter or chapters 70.155, 70.158, 70.345, 82.24, ~~((and))~~ 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 506 of this act), and books and records of common carriers as defined in RCW 81.80.010, or vehicle rental agencies relating to the transportation or possession of cigarettes, vapor products, or other tobacco products.

(2) The liquor and cannabis board may designate individuals authorized to sign subpoenas.

(3) If any person is served a subpoena from the board for the production of records, documents, and books, and fails or refuses to obey the subpoena for the production of records, documents, and books when required to do so, the person is subject to proceedings for contempt, and the board may institute contempt of court proceedings in the superior court of Thurston county or in the county in which the person resides.

Sec. 202. RCW 66.44.010 and 1998 c 18 s 1 are each amended to read as follows:

(1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor ~~((shall))~~ belong to the county, city or town wherein the court imposing the fine is located, and ~~((shall))~~ must be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor ~~(= PROVIDED, That))~~. However, all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law ~~((shall))~~ must be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) In addition to any and all other powers granted, the board ~~((shall have))~~ has the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor.

(3) In addition to the other duties under this section, the board ~~((shall))~~ must enforce chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 506 of this act).

(4) The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers ~~((shall))~~ have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation,

possession, distribution and sale of liquor. They ~~((shall))~~ have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and the provisions of chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 506 of this act). They ~~((shall))~~ have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and the provisions of chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 506 of this act).

Sec. 203. RCW 82.24.510 and 2013 c 144 s 50 are each amended to read as follows:

(1) The licenses issuable under this chapter are as follows:

- (a) A wholesaler's license.
- (b) A retailer's license.

(2) Application for the licenses must be made through the business licensing system under chapter 19.02 RCW. The board must adopt rules regarding the regulation of the licenses. The board may refrain from the issuance of any license under this chapter if the board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a wholesaler's license or retailer's license and for considering the denial, suspension, or revocation of any such license, the board may consider any prior criminal conduct of the applicant, including an administrative violation history record with the board and a criminal history record information check within the previous five years, in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to such cases. The board may, in its discretion, grant or refuse the wholesaler's license or retailer's license, subject to the provisions of RCW 82.24.550.

(3) No person may qualify for a wholesaler's license or a retailer's license under this section without first undergoing a criminal background check. The background check must be performed by the board and must disclose any criminal conduct within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. A person who possesses a valid license on July 22, 2001, is subject to this subsection and subsection (2) of this section beginning on the date of the person's business license expiration under chapter 19.02 RCW, and thereafter. If the applicant or licensee also has a license issued under chapter 66.24 ~~((or))~~, 82.26, or 70.345 RCW, the background check done under the authority of chapter 66.24 ~~((or))~~, 82.26, or 70.345 RCW satisfies the requirements of this section.

(4) Each such license expires on the business license expiration date, and each such license must be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the board made pursuant thereto.

(5) Each license and any other evidence of the license that the board requires must be exhibited in each place of business for which it is issued and in the manner required for the display of a business license.

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Sec. 204. RCW 82.24.550 and 2015 c 86 s 307 are each amended to read as follows:

(1) The board must enforce the provisions of this chapter. The board may adopt, amend, and repeal rules necessary to enforce the provisions of this chapter.

(2) The department may adopt, amend, and repeal rules necessary to administer the provisions of this chapter. The board may revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(3) A license may not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the board. The board, upon finding that the licensee has failed to comply with any provision of this chapter or any rule adopted under this chapter, must, in the case of the first offense, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or further offense, must suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the board finds the licensee has been guilty of willful and persistent violations, it may revoke the license or licenses.

(4) Any licenses issued under chapter 82.26 or 70.345 RCW to a person whose license or licenses have been suspended or revoked under this section must also be suspended or revoked during the period of suspension or revocation under this section.

(5) Any person whose license or licenses have been revoked under this section may reapply to the board at the expiration of one year from the date of revocation of the license or licenses. The license or licenses may be approved by the board if it appears to the satisfaction of the board that the licensee will comply with the provisions of this chapter and the rules adopted under this chapter.

(6) A person whose license has been suspended or revoked may not sell cigarettes, vapor products, or tobacco products or permit cigarettes, vapor products, or tobacco products to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(7) Any determination and order by the board, and any order of suspension or revocation by the board of the license or licenses issued under this chapter, or refusal to reinstate a license or licenses after revocation is reviewable by an appeal to the superior court of Thurston county. The superior court must review the order or ruling of the board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the board.

(8) If the board makes an initial decision to deny a license or renewal, or suspend or revoke a license, the applicant may request a hearing subject to the applicable provisions under Title 34 RCW.

(9) For purposes of this section((7));

(a) "Tobacco products" has the same meaning as provided in RCW 82.26.010; and

(b) "Vapor products" has the same meaning as provided in section 101 of this act.

Sec. 205. RCW 82.26.060 and 2009 c 154 s 3 are each amended to read as follows:

(1) Every distributor ((shall)) must keep at each place of business complete and accurate records for that place of business, including itemized invoices, of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of tobacco products made.

(2) These records ((shall)) must show the names and addresses of purchasers, the inventory of all tobacco products, and other pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products. All invoices and other records required by this section to be kept ((shall)) must be preserved for a period of five years from the date of the invoices or other documents or the date of the entries appearing in the records.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the tobacco products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees, are denied free access or are hindered or interfered with in making such examination, the registration certificate issued under RCW 82.32.030 of the distributor at such premises ((shall be)) is subject to revocation, and any licenses issued under this chapter or chapter 82.24 or 70.345 RCW are subject to suspension or revocation, by the department or board.

Sec. 206. RCW 82.26.080 and 2005 c 180 s 5 are each amended to read as follows:

(1) Every retailer ((shall)) must procure itemized invoices of all tobacco products purchased. The invoices ((shall)) must show the seller's name and address, the date of purchase, and all prices and discounts.

(2) The retailer ((shall)) must keep at each retail outlet copies of complete, accurate, and legible invoices for that retail outlet or place of business. All invoices required to be kept under this section ((shall)) must be preserved for five years from the date of purchase.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any retail outlet without a search warrant, and inspect the premises for invoices required to be kept under this section and the tobacco products contained in the retail outlet, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees, are denied free access or are hindered or interfered with in making the inspection, the registration certificate issued under RCW 82.32.030 of the retailer at the premises is subject to revocation, and any licenses issued under this chapter or chapter 82.24 or 70.345 RCW are subject to suspension or revocation by the department.

Sec. 207. RCW 82.26.150 and 2013 c 144 s 52 are each amended to read as follows:

(1) The licenses issuable by the board under this chapter are as follows:

- (a) A distributor's license; and
- (b) A retailer's license.

(2) Application for the licenses must be made through the business licensing system under chapter 19.02 RCW. The board may adopt rules regarding the regulation of the licenses. The board may refuse to issue any license under this chapter if the board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a distributor's license or retailer's license and for considering the denial, suspension, or revocation of any such license, the board may consider criminal conduct of the applicant, including an administrative violation history record with the

board and a criminal history record information check within the previous five years, in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to such cases. The board may, in its discretion, issue or refuse to issue the distributor's license or retailer's license, subject to the provisions of RCW 82.26.220.

(3) No person may qualify for a distributor's license or a retailer's license under this section without first undergoing a criminal background check. The background check must be performed by the board and must disclose any criminal conduct within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. If the applicant or licensee also has a license issued under chapter 66.24 ~~((or))~~, 82.24, or 70.345 RCW, the background check done under the authority of chapter 66.24, 70.345, or 82.24 RCW satisfies the requirements of this section.

(4) Each license issued under this chapter expires on the business license expiration date. The license must be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the board adopted pursuant to this chapter.

(5) Each license and any other evidence of the license required under this chapter must be exhibited in each place of business for which it is issued and in the manner required for the display of a business license.

Sec. 208. RCW 82.26.220 and 2015 c 86 s 308 are each amended to read as follows:

(1) The board must enforce this chapter. The board may adopt, amend, and repeal rules necessary to enforce this chapter.

(2) The department may adopt, amend, and repeal rules necessary to administer this chapter. The board may revoke or suspend the distributor's or retailer's license of any distributor or retailer of tobacco products in the state upon sufficient cause showing a violation of this chapter or upon the failure of the licensee to comply with any of the rules adopted under it.

(3) A license may not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the board. The board, upon finding that the licensee has failed to comply with any provision of this chapter or of any rule adopted under it, must, in the case of the first offense, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and in the case of a second or further offense, suspend the license or licenses for a period of not less than ninety consecutive business days but not more than twelve months, and in the event the board finds the licensee has been guilty of willful and persistent violations, it may revoke the license or licenses.

(4) Any licenses issued under chapter 82.24 or 70.345 RCW to a person whose license or licenses have been suspended or revoked under this section must also be suspended or revoked during the period of suspension or revocation under this section.

(5) Any person whose license or licenses have been revoked under this section may reapply to the board at the expiration of one year of the license or licenses. The license or licenses may be approved by the board if it appears to the satisfaction of the board that the licensee will comply with the provisions of this chapter and the rules adopted under it.

(6) A person whose license has been suspended or revoked may not sell tobacco products, vapor products, or cigarettes or permit tobacco products, vapor products, or cigarettes to be sold during the period of suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form.

(7) Any determination and order by the board, and any order of suspension or revocation by the board of the license or licenses issued under this chapter, or refusal to reinstate a license or licenses after revocation is reviewable by an appeal to the superior court of Thurston county. The superior court must review the order or ruling of the board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the board.

(8) If the board makes an initial decision to deny a license or renewal, or suspend or revoke a license, the applicant may request a hearing subject to the applicable provisions under Title 34 RCW.

Sec. 209. RCW 82.32.300 and 1997 c 420 s 9 are each amended to read as follows:

(1) The administration of this and chapters 82.04 through 82.27 RCW of this title is vested in the department ~~((of revenue which shall))~~, which must prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment and collection of taxes and penalties imposed thereunder.

(2) The department ~~((of revenue shall))~~ must make and publish rules and regulations, not inconsistent therewith, necessary to enforce provisions of this chapter and chapters 82.02 through 82.23B and 82.27 RCW, and the liquor ~~((control))~~ and cannabis board ~~((shall))~~ must make and publish rules necessary to enforce chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 506 of this act), which ~~((shall have))~~ has the same force and effect as if specifically included therein, unless declared invalid by the judgment of a court of record not appealed from.

(3) The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees ~~((shall))~~ must be fixed by the department and ~~((shall be))~~ charged to the proper appropriation for the department.

(4) The department ~~((shall))~~ must exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

Sec. 210. RCW 70.345.010 and 2016 sp.s. c 38 s 4 are each amended to read as follows:

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

(1) "Board" means the Washington state liquor and cannabis board.

(2) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing vapor products in this state.

(3) "Child care facility" has the same meaning as provided in RCW 70.140.020.

(4) "Closed system nicotine container" means a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(5) "Delivery sale" means any sale of a vapor product to a purchaser in this state where either:

(a) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the internet or other online service; or

(b) The vapor product is delivered by use of the mails or of a delivery service. The foregoing sales of vapor products constitute a delivery sale regardless of whether the seller is located within or without this state. "Delivery sale" does not include a sale of any vapor product not for personal consumption to a retailer.

(6) "Delivery seller" means a person who makes delivery sales.

(7) "Distributor" (~~means any person who:~~

~~(a) Sells vapor products to persons other than ultimate consumers; or~~

~~(b) Is engaged in the business of selling vapor products in this state and who brings, or causes to be brought, into this state from outside of the state any vapor products for sale)) has the same meaning as in section 101 of this act.~~

(8) "Liquid nicotine container" means a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration. "Liquid nicotine container" does not include closed system nicotine containers.

(9) "Manufacturer" means a person who manufactures and sells vapor products.

(10) "Minor" refers to an individual who is less than eighteen years old.

(11) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(12) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale.

(13) "Playground" means any public improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, including but not limited to any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

(14) "Retail outlet" means each place of business from which vapor products are sold to consumers.

(15) "Retailer" means any person engaged in the business of selling vapor products to ultimate consumers.

(16)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling vapor products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(17) "School" has the same meaning as provided in RCW 70.140.020.

(18) "Self-service display" means a display that contains vapor products and is located in an area that is openly accessible to customers and from which customers can readily access such products without the assistance of a salesperson. A display case that holds vapor products behind locked doors does not constitute a self-service display.

(19) "Vapor product" means any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance.

(a) "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that

may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(b) "Vapor product" does not include any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(c) For purposes of this subsection (19), "marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

Sec. 211. RCW 70.345.030 and 2016 sp.s. c 38 s 6 are each amended to read as follows:

(1)(a) No person may engage in or conduct business as a retailer, distributor, or delivery seller in this state without a valid license issued under this chapter, except as otherwise provided by law. Any person who sells vapor products to ultimate consumers by a means other than delivery sales must obtain a retailer's license under this chapter. Any person who (~~sells vapor products to persons other than ultimate consumers or who~~) meets the definition of distributor under this chapter must obtain a distributor's license under this chapter. Any person who conducts delivery sales of vapor products must obtain a delivery sale license.

(b) A violation of this subsection is punishable as a class C felony according to chapter 9A.20 RCW.

(2) No person engaged in or conducting business as a retailer, distributor, or delivery seller in this state may refuse to allow the enforcement officers of the board, on demand, to make full inspection of any place of business or vehicle where any of the vapor products regulated under this chapter are sold, stored, transported, or handled, or otherwise hinder or prevent such inspection. A person who violates this subsection is guilty of a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, any person licensed under this chapter as a retailer, and any person licensed under this chapter as a delivery seller may not operate in any other capacity unless the additional appropriate license is first secured, except as otherwise provided by law. A violation of this subsection is a misdemeanor.

(4) No person engaged in or conducting business as a retailer, distributor, or delivery seller in this state may sell or give, or permit to sell or give, a product that contains any amount of any cannabinoid, synthetic cannabinoid, cathinone, or methcathinone, unless otherwise provided by law. A violation of this subsection (4) is punishable according to RCW 69.50.401.

(5) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

Sec. 212. RCW 70.345.090 and 2016 sp.s. c 38 s 17 are each amended to read as follows:

(1) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person unless such seller has a valid delivery sale license as required under this chapter.

(2) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person under the minimum age required for the legal sale of vapor products as provided under RCW 70.345.140.

(3) A delivery sale licensee must provide notice on its mail order or internet sales forms of the minimum age required for the legal sale of vapor products in Washington state as provided by RCW 70.345.140.

(4) A delivery sale licensee must not accept a purchase or order from any person without first obtaining the full name, birth date, and residential address of that person and verifying this information through an independently operated third-party database or aggregate of databases, which includes data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication.

(5) A delivery sale licensee must accept payment only through a credit or debit card issued in the purchaser's own name. The licensee must verify that the card is issued to the same person identified through identity and age verification procedures in subsection (4) of this section.

(6) Before a delivery sale licensee delivers an initial purchase to any person, the licensee must verify the identity and delivery address of the purchaser by mailing or shipping to the purchaser a notice of sale and certification form confirming that the addressee is in fact the person placing the order. The purchaser must return the signed certification form to the licensee before the initial shipment of product. Certification forms are not required for repeat customers. In the alternative, before a seller delivers an initial purchase to any person, the seller must first obtain from the prospective customer an electronic certification, such as by email, that includes a declaration that, at a minimum, the prospective customer is over the minimum age required for the legal sale of a vapor product, and the credit or debit card used for payment has been issued in the purchaser's name.

(7) A delivery sale licensee must include on shipping documents a clear and conspicuous statement which includes, at a minimum, that the package contains vapor products, Washington law prohibits sales to those under the minimum age established by this chapter, and violations may result in sanctions to both the licensee and the purchaser.

(8) For purposes of this subsection (8), "vapor products" has the same meaning as provided in section 101 of this act.

(9) A person who knowingly violates this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.

~~((9))~~ (10) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state, may seek recovery of the penalty in a civil action in superior court.

~~((40))~~ (11) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of this section and to compel compliance with this section.

~~((4))~~ (12) Any violation of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

~~((2))~~ (13)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

(b) If a court determines that a person has violated this section, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.

~~((3))~~ (14) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.

~~((4))~~ (15) A licensee who violates this section is subject to license suspension or revocation by the board.

~~((5))~~ (16) The board may adopt by rule additional requirements for mail or internet sales.

~~((6))~~ (17) The board must not adopt rules prohibiting internet sales.

Part III

Heated Tobacco Products

Sec. 301. RCW 82.24.010 and 2012 2nd sp.s. c 4 s 1 are each amended to read as follows:

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

(1) "Board" means the state liquor ~~((control))~~ and cannabis board.

(2) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state. "Cigarette" includes a roll-your-own cigarette, but does not include a heated tobacco product as defined in RCW 82.26.010.

(3) "Cigarette paper" means any paper or any other material except tobacco, prepared for use as a cigarette wrapper.

(4) "Cigarette tube" means cigarette paper made into a hollow cylinder for use in making cigarettes.

(5) "Commercial cigarette-making machine" means a machine that is operated in a retail establishment and that is capable of being loaded with loose tobacco, cigarette paper or tubes, and any other components related to the production of roll-your-own cigarettes, including filters.

(6) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian wholesaler or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country. For purposes of this chapter "Indian country" is defined in the manner set forth in 18 U.S.C. Sec. 1151.

(7) "Precollection obligation" means the obligation of a seller otherwise exempt from the tax imposed by this chapter to collect the tax from that seller's buyer.

(8) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate.

(9) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state.

(10) "Roll-your-own cigarettes" means cigarettes produced by a commercial cigarette-making machine.

(11) "Stamp" means the stamp or stamps by use of which the tax levy under this chapter is paid or identification is made of those cigarettes with respect to which no tax is imposed.

(12) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only.

(13) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business" and "successor" applies equally in this chapter.

Sec. 302. RCW 82.26.010 and 2010 1st sp.s. c 22 s 4 are each reenacted and amended to read as follows:

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

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(1) "Actual price" means the total amount of consideration for which tobacco products are sold, valued in money, whether received in money or otherwise, including any charges by the seller necessary to complete the sale such as charges for delivery, freight, transportation, or handling.

(2) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(3) "Board" means the state liquor ~~((control))~~ and cannabis board.

(4) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(5) "Cigar" means a roll for smoking that is of any size or shape and that is made wholly or in part of tobacco, irrespective of whether the tobacco is pure or flavored, adulterated or mixed with any other ingredient, if the roll has a wrapper made wholly or in greater part of tobacco. "Cigar" does not include a cigarette.

(6) "Cigarette" has the same meaning as in RCW 82.24.010.

(7) "Department" means the department of revenue.

(8) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers, (d) any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(9) "Heated tobacco product" means a product containing tobacco that produces an inhalable aerosol by:

(a) Heating the tobacco by means of an electronic device without combustion of the tobacco; or

(b) Heat generated from a combustion source that only or primarily heats rather than burns the tobacco.

(10) "Indian country" means the same as defined in chapter 82.24 RCW.

~~((10))~~ (11) "Little cigar" means a cigar that has a cellulose acetate integrated filter.

~~((11))~~ (12) "Manufacturer" means a person who manufactures and sells tobacco products.

~~((12))~~ (13) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's tobacco products, and includes employees and independent contractors.

~~((13))~~ (14) "Moist snuff" means tobacco that is finely cut, ground, or powdered; is not for smoking; and is intended to be placed in the oral, but not the nasal, cavity.

~~((14))~~ (15) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

~~((15))~~ (16) "Place of business" means any place where tobacco products are sold or where tobacco products are

manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, train, or vending machine.

~~((16))~~ (17) "Retail outlet" means each place of business from which tobacco products are sold to consumers.

~~((17))~~ (18) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers.

~~((18))~~ (19)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling tobacco products, for advertising, promoting, or as a means of evading the provisions of this chapter.

~~((19))~~ (20)(a) "Taxable sales price" means:

(i) In the case of a taxpayer that is not affiliated with the manufacturer, distributor, or other person from whom the taxpayer purchased tobacco products, the actual price for which the taxpayer purchased the tobacco products;

(ii) In the case of a taxpayer that purchases tobacco products from an affiliated manufacturer, affiliated distributor, or other affiliated person, and that sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers, the actual price for which that taxpayer sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iii) In the case of a taxpayer that sells tobacco products only to affiliated distributors or affiliated retailers, the price, determined as nearly as possible according to the actual price, that other distributors sell similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iv) In the case of a taxpayer that is a manufacturer selling tobacco products directly to ultimate consumers, the actual price for which the taxpayer sells those tobacco products to ultimate consumers;

(v) In the case of a taxpayer that has acquired tobacco products under a sale as defined in subsection ~~((18))~~ (19)(b) of this section, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers; or

(vi) In any case where (a)(i) through (v) of this subsection do not apply, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers.

(b) For purposes of (a)(i) and (ii) of this subsection only, "person" includes both persons as defined in subsection ~~((14))~~ (15) of this section and any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(c) The department may adopt rules regarding the determination of taxable sales price under this subsection.

~~((20))~~ (21) "Taxpayer" means a person liable for the tax imposed by this chapter.

~~((21))~~ (22) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and any other product, regardless of

form, that contains tobacco and is intended for human consumption or placement in the oral or nasal cavity or absorption into the human body by any other means, including heated tobacco products as defined in subsection (9) of this section, but does not include cigarettes as defined in RCW 82.24.010.

~~((22))~~ (23) "Unaffiliated distributor" means a distributor that is not affiliated with the manufacturer, distributor, or other person from whom the distributor has purchased tobacco products.

~~((23))~~ (24) "Unaffiliated retailer" means a retailer that is not affiliated with the manufacturer, distributor, or other person from whom the retailer has purchased tobacco products.

Sec. 303. RCW 82.26.020 and 2010 1st sp.s. c 22 s 5 are each amended to read as follows:

(1) There is levied and collected a tax upon the sale, handling, or distribution of all tobacco products in this state at the following rate:

(a) For cigars except little cigars, ninety-five percent of the taxable sales price of cigars, not to exceed sixty-five cents per cigar;

(b) For all tobacco products except those covered under separate provisions of this subsection, ninety-five percent of the taxable sales price;

(c) For moist snuff, as established in this subsection (1)(c) and computed on the net weight listed by the manufacturer:

(i) On each single unit consumer-sized can or package whose net weight is one and two-tenths ounces or less, a rate per single unit that is equal to the greater of 2.526 dollars or eighty-three and one-half percent of the cigarette tax under chapter 82.24 RCW multiplied by twenty; or

(ii) On each single unit consumer-sized can or package whose net weight is more than one and two-tenths ounces, a proportionate tax at the rate established in (c)(i) of this subsection (1) on each ounce or fractional part of an ounce; ~~(and)~~

(d) For little cigars, an amount per cigar equal to the cigarette tax under chapter 82.24 RCW; and

(e) For heated tobacco products, sixty cents per ounce of tobacco, plus a proportionate tax at the like rate on any fractional parts of an ounce. The tax on heated tobacco products is imposed based on the net weight of tobacco as listed by the manufacturer.

(2) The tax imposed on a product under this chapter must be reduced by fifty percent if that same product is issued a modified risk tobacco product order by the secretary of the United States department of health and human services pursuant to Title 21 U.S.C. Sec. 387k(g)(1).

(3) Taxes under this section must be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers, or (d) handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

~~((3) The moneys collected under this section must be deposited into the state general fund.)~~ (4)(a) Except as provided in (b) of this subsection, the moneys collected under this section must be deposited into the state general fund.

(b) The moneys collected on heated tobacco products under subsection (1)(e) of this section must be deposited as follows:

(i) Fifty percent into the Andy Hill cancer research fund created in RCW 43.348.060; and

(ii) Fifty percent into the foundational public health services account created in section 104 of this act.

(c) The funding provided under (b) of this subsection is intended to supplement and not supplant general fund investments in cancer research and foundational public health services.

Part IV Tribal Compacting

Sec. 401. RCW 43.06.450 and 2001 c 235 s 1 are each amended to read as follows:

The legislature intends to further the government-to-government relationship between the state of Washington and Indians in the state of Washington by authorizing the governor to enter into contracts concerning the sale of cigarettes and vapor products. The legislature finds that these cigarette tax and vapor product tax contracts will provide a means to promote economic development, provide needed revenues for tribal governments and Indian persons, and enhance enforcement of the state's cigarette tax ~~((law))~~ and vapor product tax, ultimately saving the state money and reducing conflict. In addition, it is the intent of the legislature that the negotiations and the ensuing contracts ~~((shall))~~ have no impact on the state's share of the proceeds under the master settlement agreement entered into on November 23, 1998, by the state. Chapter 235, Laws of 2001 ~~((does))~~ and this act do not constitute a grant of taxing authority to any Indian tribe nor ~~((does it))~~ do they provide precedent for the taxation of non-Indians on fee land.

NEW SECTION. **Sec. 402.** A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into vapor product tax contracts concerning the sale of vapor products. All vapor product tax contracts must meet the requirements for vapor product tax contracts under this section.

(2) Vapor product tax contracts must be in regard to retail sales in which Indian retailers make delivery and physical transfer of possession of the vapor products from the seller to the buyer within Indian country, and are not in regard to transactions by non-Indian retailers. In addition, contracts must provide that retailers may not sell or give, or permit to be sold or given, vapor products to any person who is under the state legal age for the purchase of vapor products.

(3) A vapor product tax contract with a tribe must provide for a tribal vapor product tax in lieu of all state vapor product taxes and state and local sales and use taxes on sales of vapor products in Indian country by Indian retailers. The tribe may allow an exemption for sales to tribal members.

(4) Vapor product tax contracts must provide that retailers must purchase vapor products only from:

(a) Wholesalers or manufacturers licensed to do business in the state of Washington;

(b) Out-of-state wholesalers or manufacturers who, although not licensed to do business in the state of Washington, agree to comply with the terms of the vapor product tax contract, are certified to the state as having so agreed, and do in fact so comply. However, the state may in its sole discretion exercise its administrative and enforcement powers over such wholesalers or manufacturers to the extent permitted by law;

(c) A tribal wholesaler that purchases only from a wholesaler or manufacturer described in (a), (b), or (d) of this subsection; and

(d) A tribal manufacturer.

(5) Vapor product tax contracts must be for renewable periods of no more than eight years.

(6) Vapor product tax contracts must include provisions for compliance, such as transport and notice requirements, inspection procedures, recordkeeping, and audit requirements.

(7) Tax revenue retained by a tribe must be used for essential government services. Use of tax revenue for subsidization of vapor products and food retailers is prohibited.

(8) The vapor product tax contract may include provisions to resolve disputes using a nonjudicial process, such as mediation.

(9) The governor may delegate the power to negotiate vapor product tax contracts to the department of revenue. The department of revenue must consult with the liquor and cannabis board during the negotiations.

(10) Information received by the state or open to state review under the terms of a contract is subject to the provisions of RCW 82.32.330.

(11) It is the intent of the legislature that the liquor and cannabis board and the department of revenue continue the division of duties and shared authority under chapter 82.--- RCW (the new chapter created in section 506 of this act) and therefore the liquor and cannabis board is responsible for enforcement activities that come under the terms of chapter 82.--- RCW (the new chapter created in section 506 of this act).

(12) Each vapor product tax contract must include a procedure for notifying the other party that a violation has occurred, a procedure for establishing whether a violation has in fact occurred, an opportunity to correct such violation, and a provision providing for termination of the contract should the violation fail to be resolved through this process, such termination subject to mediation should the terms of the contract so allow. A contract must provide for termination of the contract if resolution of a dispute does not occur within twenty-four months from the time notification of a violation has occurred. Intervening violations do not extend this time period. In addition, the contract must include provisions delineating the respective roles and responsibilities of the tribe, the department of revenue, and the liquor and cannabis board.

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

(a) "Essential government services" means services such as tribal administration, public facilities, fire, police, public health, education, job services, sewer, water, environmental and land use, transportation, utility services, and economic development.

(b) "Indian country" has the same meaning as provided in RCW 82.24.010.

(c) "Indian retailer" or "retailer" means:

(i) A retailer wholly owned and operated by an Indian tribe;

(ii) A business wholly owned and operated by a tribal member and licensed by the tribe; or

(iii) A business owned and operated by the Indian person or persons in whose name the land is held in trust.

(d) "Indian tribe" or "tribe" means a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

(e) "Vapor products" has the same meaning as provided in section 101 of this act.

NEW SECTION. Sec. 403. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor is authorized to enter into vapor product tax contracts with federally recognized Indian tribes located within the geographical boundaries of the state of Washington. Each contract adopted under this section must provide that the tribal vapor product tax rate be one hundred percent of the state vapor product tax and state and local sales and use taxes. The tribal vapor product tax is in lieu of the state vapor product tax and state and local sales and use taxes, as provided in section 402(3) of this act.

(2) A vapor product tax contract under this section is subject to section 402 of this act.

NEW SECTION. Sec. 404. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into a vapor product tax agreement with the Puyallup Tribe of Indians concerning the sale of vapor

products, subject to the limitations in this section. The legislature intends to address the uniqueness of the Puyallup Indian reservation and its selling environment through pricing and compliance strategies, rather than through the imposition of equivalent taxes. The governor may delegate the authority to negotiate a vapor product tax agreement with the Puyallup Tribe to the department of revenue. The department of revenue must consult with the liquor and cannabis board during the negotiations.

(2) Any agreement must require the tribe to impose a tribal vapor product tax with a tax rate that is ninety percent of the state vapor product tax. This tribal tax is in lieu of the combined state and local sales and use taxes and the state vapor product tax, and as such these state taxes are not imposed during the term of the agreement on any transaction governed by the agreement. The tribal vapor product tax must increase or decrease at the time of any increase or decrease in the state vapor product tax so as to remain at a level that is ninety percent of the rate of the state vapor product tax.

(3) The agreement must include a provision requiring the tribe to transmit thirty percent of the tribal tax revenue on all vapor products sales to the state. The funds must be transmitted to the state treasurer on a quarterly basis for deposit by the state treasurer into the general fund. The remaining tribal tax revenue must be used for essential government services, as that term is defined in section 402 of this act.

(4) The agreement is limited to retail sales in which Indian retailers make delivery and physical transfer of possession of the vapor products from the seller to the buyer within Indian country, and are not in regard to transactions by non-Indian retailers. In addition, agreements must provide that retailers may not sell or give, or permit to be sold or given, vapor products to any person who is under the state legal age for the purchase of vapor products.

(5)(a) The agreement must include a provision to price and sell the vapor products so that the retail selling price is not less than the price paid by the retailer for the vapor products.

(b) The tribal tax is in addition to the retail selling price.

(c) The agreement must include a provision to assure the price paid to the retailer includes the tribal tax.

(d) If the tribe is acting as a distributor to tribal retailers, the retail selling price must not be less than the price the tribe paid for such vapor products plus the tribal tax.

(6)(a) The agreement must include provisions regarding enforcement and compliance by the tribe in regard to enrolled tribal members who sell vapor products and must describe the individual and joint responsibilities of the tribe, the department of revenue, and the liquor and cannabis board.

(b) The agreement must include provisions for tax administration and compliance, such as transport and notice requirements, inspection procedures, recordkeeping, and audit requirements.

(c) The agreement must include provisions for sharing of information among the tribe, the department of revenue, and the liquor and cannabis board.

(7) The agreement must provide that retailers must purchase vapor products only from distributors or manufacturers licensed to do business in the state of Washington.

(8) The agreement must be for a renewable period of no more than eight years.

(9) The agreement must include provisions to resolve disputes using a nonjudicial process, such as mediation, and must include a dispute resolution protocol. The protocol must include a procedure for notifying the other party that a violation has occurred, a procedure for establishing whether a violation has in

fact occurred, an opportunity to correct such violation, and a provision providing for termination of the agreement should the violation fail to be resolved through this process, such termination subject to mediation should the terms of the agreement so allow. An agreement must provide for termination of the agreement if resolution of a dispute does not occur within twenty-four months from the time notification of a violation has occurred. Intervening violations do not extend this time period.

(10) Information received by the state or open to state review under the terms of an agreement is subject to RCW 82.32.330.

(11) It is the intent of the legislature that the liquor and cannabis board and the department of revenue continue the division of duties and shared authority under chapter 82.--- RCW (the new chapter created in section 506 of this act).

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

(a) "Indian country" has the same meaning as provided in RCW 82.24.010.

(b) "Indian retailer" or "retailer" means:

(i) A retailer wholly owned and operated by an Indian tribe; or
(ii) A business wholly owned and operated by an enrolled tribal member and licensed by the tribe.

(c) "Indian tribe" or "tribe" means the Puyallup Tribe of Indians, which is a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

(d) "Vapor products" has the same meaning as provided in section 101 of this act.

NEW SECTION. Sec. 405. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of vapor products by an Indian retailer during the effective period of a vapor product tax contract subject to section 403 of this act or a vapor product tax agreement under section 404 of this act.

(2) The definitions in section 402 of this act apply to this section.

NEW SECTION. Sec. 406. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of vapor products sold by an Indian retailer during the effective period of a vapor product tax contract subject to section 403 of this act or a vapor product tax agreement under section 404 of this act.

(2) The definitions in section 402 of this act apply to this section.

Part V Miscellaneous Provisions

NEW SECTION. Sec. 501. A new section is added to chapter 82.32 RCW to read as follows:

(1) By October 15, 2020, and by each October 15th thereafter, the department must estimate any increase in state general fund revenue collections for the immediately preceding fiscal year resulting from the taxes imposed in chapter . . . , Laws of 2019 (this act). The department must promptly notify the state treasurer of these estimated amounts.

(2) Beginning November 1, 2020, and by each November 1st thereafter, the state treasurer must transfer from the general fund the estimated amount determined by the department under subsection (1) of this section for the immediately preceding fiscal year as follows:

(a) Fifty percent into the Andy Hill cancer research fund created in RCW 43.348.060; and

(b) Fifty percent into the foundational public health services account created in section 104 of this act.

(3) The department may not make any adjustments to an estimate under subsection (1) of this section after the state treasurer makes the corresponding distribution under subsection (2) of this section based on the department's estimate.

NEW SECTION. Sec. 502. RCW 43.348.900 (Expiration of chapter) and 2015 3rd sp.s. c 34 s 10 are each repealed.

NEW SECTION. Sec. 503. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

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

NEW SECTION. Sec. 505. 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 conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 506. Part I of this act constitutes a new chapter in Title 82 RCW.

NEW SECTION. Sec. 507. This act takes effect October 1, 2019."

On page 1, line 2 of the title, after "health;" strike the remainder of the title and insert "amending RCW 66.08.145, 66.44.010, 82.24.510, 82.24.550, 82.26.060, 82.26.080, 82.26.150, 82.26.220, 82.32.300, 70.345.010, 70.345.030, 70.345.090, 82.24.010, 82.26.020, and 43.06.450; reenacting and amending RCW 82.26.010; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 43.348.900; prescribing penalties; and providing an effective date."

MOTION

Senator Kuderer moved that the following amendment no. 776 by Senator Kuderer be adopted:

Beginning on page 30, line 20, strike all of part III
Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

On page 44, line 2, after "page 1," strike all material through "date." on line 11 and insert "line 1 of the title, after "vapor" strike the remainder of the title and insert "products to fund cancer research and support local public health; amending RCW 66.08.145, 66.44.010, 82.24.510, 82.24.550, 82.26.060, 82.26.080, 82.26.150, 82.26.220, 82.32.300, 70.345.010, 70.345.030, 70.345.090, and 43.06.450; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 43.348.900; prescribing penalties; and providing an effective date."

Senators Kuderer, Saldaña and Wilson, C. spoke in favor of adoption of the amendment to the striking amendment.

Senators Braun and Rivers spoke against adoption of the amendment to the striking amendment.

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The President declared the question before the Senate to be the adoption of amendment no. 776 by Senator Kuderer on page 30, line 20 to striking amendment no. 767.

The motion by Senator Kuderer did not carry and amendment no. 776 was not adopted by a rising vote.

MOTION

Senator Kuderer moved that the following amendment no. 777 by Senator Kuderer be adopted:

On page 36, beginning on line 5, after "products," strike all material through "manufacturer" on line 8 and insert "sixty-five percent of the taxable sales price"

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

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

The President declared the question before the Senate to be the adoption of amendment no. 777 by Senator Kuderer on page 36, line 5 to striking amendment no. 767.

The motion by Senator Kuderer did not carry and amendment no. 777 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 767 by Senator Braun to Senate Bill No. 5986.

The motion by Senator Braun carried and striking amendment no. 767 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5986 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5986.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5986 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wagoner, Walsh, Warnick and Wilson, C.

Voting nay: Senators Bailey, Brown, Hasegawa, Holy, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wellman, Wilson, L. and Zeiger

Excused: Senator Ericksen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5986, 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 Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1155 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Cody, Sells, Mosbrucker and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Keiser moved the Senate grant the request of the House for a conference on Substitute House Bill No. 1155 and the Senate amendment(s) thereto.

Senator Keiser spoke for the motion to grant the request.

Senator Cleveland spoke against the motion to grant the request.

PERSONAL PRIVILEGE

Senator Walsh: "Thank you again Mr. President. Well, I rise because when we, in fact, debated this bill on the floor last week I made some comments that were very unfortunate and, frankly, insulted a great number of nurses in this nation. It was not my intention to do so and unfortunately, when things get posted on Facebook and they're taken out of context, it's very difficult to unravel the damage. But I've been trying to respond to the thirty thousand plus telephone calls and emails that I have received to my office with very hateful commentary about my remarks. So first and foremost, if, in fact, I insulted anybody, and apparently I insulted a lot of people, I truly do wish to apologize for those comments. I was very tired. We were on a long shift that day and I found myself saying things, because I was very tired, that I really wish I could take those words back, more than anything in the world. I have the most tremendous respect for nurses. I was in the hospital last year and the nurses are the one element that made that hospital stay bearable. I assure you. My mother was a registered nurse for many years. I have nothing but respect, and absolute admiration, for the work they do and the people they care for. My objection to this bill, frankly, had to do with the fact that the nurse staffing committees weren't even given a chance and the unions were down here pounding our doors to support a bill that I think, more appropriately, these issues should be worked out internally within our hospitals. It's disconcerting for me, as a legislator, a citizen legislator, to be proscribing to hospitals how they would staff their nurses. This is a business that isn't just your typical business. We're dealing with sick and dying people every day in our hospitals and the reality is that work should be determined by the hospital staff and the administration. So I, again my comments were certainly harsh, I only meant to differentiate between the amount of work between an urban hospital and a rural hospital that has just a handful of patients. And, frankly, I'm very embarrassed for the comments but I'm also more embarrassed for the fact that this whole issue has been, sort of, gamed politically. And I'm really sorry for that. I try to be very transparent as a legislator and it's very disconcerting for me to have things posted on Facebook, and this is not the first time this year that it's happened. And people read those things and the

hateful comments start. And it wouldn't be so bad if they were directed towards me. I'm obviously quite thick-skinned but my family is not. And my family is very upset about those comments. I'm hearing from them. And I just want to say, I'm not sure who posted the Facebook post. I'm not going to make any accusations here but the reality is you did all of us a disservice. It's stinky politics at its best and I'm really really sorry that we did this and we went down this road but, again, to any nurses that felt offended by my differentiating comment about a rural hospital, a critical access hospital, and an urban hospital, I truly do apologize. And again, please know how much respect I have for the nursing profession but I'm losing respect for the political profession the way we're operating around here and I would submit to you, Mr. President, that the Facebook stuff has got to stop. It is damaging and, frankly, it is putting a terrible taste in the mouth of all Americans when we behave like this. So, my apologies to anybody that was offended but my greater apology to the fact that we are destroying a good and solid political process of meaningful dialogue between two parties. And, to me, that is one of the greatest disappointments about what's happened. I'll survive this. I've had viral speeches before and I've dealt with them pretty well. I'll deal with this one too but I do want to at least express my concern about the way this thing has gone down. I'm hopeful we'll strip off the eight hour amendment – I'm kind of surprised that it hung, but the reality is it did. Let's fix the bill and you folks can vote for it. But again I, I appreciate the ability to get up and express my concerns about the way this whole thing has gone down. Thank you Mr. President."

The President declared the question before the Senate to be the motion by Senator Keiser to grant the House request for a conference.

A division was called for.

The motion by Senator Keiser carried and the request for a conference was granted by a rising vote.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1155 and the House amendment(s) thereto: Senators Dhingra, King and Van De Wege.

MOTIONS

On motion of Senator Liias, the appointments to the conference committee were confirmed without objection.

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

MOTION

At 2:41 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:05 p.m. by President Habib.

SECOND READING

SENATE BILL NO. 6016, by Senators Liias, Rolfes and Hunt

Concerning the taxation of international investment management companies.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Carlyle and without objection, amendment no. 780 by Senator Carlyle on page 2, line 3 to Senate Bill No. 6016 was withdrawn.

MOTION

Senator Liias moved that the following amendment no. 779 by Senator Liias be adopted:

On page 5, after line 13, insert the following:

"(5) If a person engaged in the business of providing international investment management services no longer meets the Washington state employment eligibility requirements under subsection (1)(c) of this section, then an amount equal to the entire economic benefit accruing to the person in the current and immediately prior nine consecutive calendar years as a result of the preferential tax rate under RCW 82.04.290(1) is immediately due and payable.

(6) The department must assess interest, but not penalties, on the amounts due under this section. The interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW and accrue until the taxes for which a tax preference has been used are repaid."

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 779 by Senator Liias on page 5, line 13 to Senate Bill No. 6016.

The motion by Senator Liias carried and amendment no. 779 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Senate Bill No. 6016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6016.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6016 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 1; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Fortunato, Hasegawa, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Absent: Senator Walsh

Excused: Senator Erickson

ENGROSSED SENATE BILL NO. 6016, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
- SUBSTITUTE SENATE BILL NO. 5012,
- SUBSTITUTE SENATE BILL NO. 5106,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5383,
- SUBSTITUTE SENATE BILL NO. 5405,
- SECOND SUBSTITUTE SENATE BILL NO. 5433,
- SECOND SUBSTITUTE SENATE BILL NO. 5437,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5438,
- SENATE BILL NO. 5508,
- SUBSTITUTE SENATE BILL NO. 5550,
- ENGROSSED SENATE BILL NO. 5573,
- SECOND SUBSTITUTE SENATE BILL NO. 5577,
- SUBSTITUTE SENATE BILL NO. 5670,
- SUBSTITUTE SENATE BILL NO. 5723,
- SENATE BILL NO. 5918,

MOTION

At 3:13 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:32 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House has passed:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2042,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SUPPLEMENTAL INTRODUCTION AND FIRST READING

E2SHB 2042 by House Committee on Finance (originally sponsored by Fey, Orcutt, Slatter, Doglio, Tharinger and Ramos)

AN ACT Relating to advancing green transportation adoption; amending RCW 28B.30.903, 46.17.323, 47.04.350, 80.28.--, 80.28.360, 82.04.4496, 82.08.816, 82.12.816, 82.16.0496, 82.29A.125, and 82.44.200;

amending 2019 c ... (SHB 1512) s 1 (uncodified); reenacting and amending RCW 43.84.092; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.66 RCW; creating new sections; providing effective dates; and providing expiration dates.

Referred to Committee on Transportation.

MOTION

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

MOTION

At 5:34 p.m., on motion of Senator Liias, the Senate adjourned until 10:00 o'clock a.m. Wednesday, April 24, 2019.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

ONE HUNDRED FIRST DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, April 24, 2019

The Senate was called to order at 10:03 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present with the exception of Senator Takko.

The Sergeant at Arms Color Guard consisting of Pages Miss Carla Avenando and Mr. MacQuaid Hiller, presented the Colors.

Page Miss Faiza Abdi led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Chris Rule, Assistant Pastor, Orting Community Baptist Church.

The President called upon the Secretary to read the journal of the preceding day.

MOTION

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

MOTION

On motion of Senator Kuderer, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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.

MOTION

At 10:09 a.m., on motion of Senator Kuderer, the Senate was declared to be at ease subject to the call of the President for the purposes of allowing standing committees to complete their hearings.

The Senate was called to order at 11:23 a.m. by President Habib.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 23, 2019

SB 5692 Prime Sponsor, Senator Rolfes: Concerning recreational fishing and hunting licenses. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: That Substitute Senate Bill No. 5692 be substituted therefor, and the substitute bill do

pass. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Honeyford and Rolfes.

MINORITY recommendation: Do not pass. Signed by Senators Warnick, Ranking Member; McCoy and Short.

Referred to Committee on Ways & Means.

April 23, 2019

SJM 8014 Prime Sponsor, Senator McCoy: Concerning logging and mining in the upper Skagit watershed. Reported by Committee on Agriculture, Water, Natural Resources & Parks

MAJORITY recommendation: Do pass. Signed by Senators Rolfes; McCoy; Salomon, Vice Chair Van De Wege, Chair.

MINORITY recommendation: Do not pass. Signed by Senators Short; Warnick, Ranking Member and Honeyford.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

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

- SECOND SUBSTITUTE HOUSE BILL NO. 1394,
- ENGROSSED HOUSE BILL NO. 1465,
- ENGROSSED HOUSE BILL NO. 1564,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1582,
- ENGROSSED HOUSE BILL NO. 1638,
- ENGROSSED HOUSE BILL NO. 1706,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 23, 2019

MR. PRESIDENT:

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

- SECOND SUBSTITUTE HOUSE BILL NO. 1087,
- SUBSTITUTE HOUSE BILL NO. 1196,
- SECOND SUBSTITUTE HOUSE BILL NO. 1216,
- SUBSTITUTE HOUSE BILL NO. 1225,
- HOUSE BILL NO. 1462,
- SUBSTITUTE HOUSE BILL NO. 1476,
- HOUSE BILL NO. 1505,
- SUBSTITUTE HOUSE BILL NO. 1739,
- SUBSTITUTE HOUSE BILL NO. 1786,

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ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1874,

MOTION

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 23, 2019

MR. PRESIDENT:

The House grants the request for a conference on SUBSTITUTE SENATE BILL NO. 5380. The Speaker has appointed the following members as Conferees: Representatives Cody, Macri, Schmick and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 23, 2019

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5258. The Speaker has appointed the following members as Conferees: Representatives Sells, Frame, Mosbrucker and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 23, 2019

MR. PRESIDENT:

The House grants the request for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5526. The Speaker has appointed the following members as Conferees: Representatives Cody, Macri, Schmick and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6019 by Senator Palumbo

AN ACT Relating to generating electricity from a facility powered by the combustion of solid waste; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Environment, Energy & Technology.

SB 6020 by Senators Mullet and Braun

AN ACT Relating to health care benefits for public school employees; amending RCW 41.05.740, 41.59.105, 41.05.011, 41.05.050, and 28A.400.350; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6021 by Senator Braun

AN ACT Relating to K-12 education funding; amending RCW 28A.320.330, 43.09.2856, and 28A.150.390; adding a new section to chapter 28A.150 RCW; and adding a new section to chapter 28A.300 RCW.

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

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

MOTION

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

MOTION

On motion of Senator Liias, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

Senator Salomon moved adoption of the following resolution:

SENATE RESOLUTION
8644

By Senators Salomon, Frockt, Das, Keiser, Van De Wege, Wilson, C., Wagoner, King, Hasegawa, Lovelett, Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, Hunt, Kuderer, Liias, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Walsh, Warnick, Wellman, Wilson, L., and Zeiger

WHEREAS, Eric Stark has been a driver with King County Metro for seven years, with a reputation for professionalism among bus riders; and

WHEREAS, On March 27th, while operating on Metro Route 75 in North Seattle, Mr. Stark entered an area where a random act of gun violence was occurring; and

WHEREAS, Mr. Stark was wounded during the violence; and

WHEREAS, Mr. Stark, putting his own health aside, backed the Metro bus out of the danger area to assure the safety of his passengers; and

WHEREAS, Only after having ensured the safety of the riders, did Mr. Stark take action to address his injuries;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, on behalf of the people of our state, express its gratitude and recognition for the selflessness, courage, and commitment to public safety shown by Mr. Stark in performing his duties as a King County Metro bus driver; and

BE IT FURTHER RESOLVED, That the Senate express its deepest condolences to the families and friends of Richard Hasson and Richard T. Lee, who tragically lost their lives during the violence; and

BE IT FURTHER RESOLVED, That the Senate wish a speedy and complete recovery to Deborah Juad, and hope that she can soon rejoin her second graders at Laurelhurst Elementary school; and

BE IT FURTHER RESOLVED, That the Senate express its gratitude to the law enforcement officers of the Seattle Police Department, whose quick intervention prevented further tragedy on that day; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Eric Stark.

Senators Salomon, Frockt and Saldaña spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8644.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. & Mrs. Eric and Kimberly Stark and members of the Stark Family who were seated in the gallery. The Starks were accompanied by employees and representatives of the Metro Transit support team.

MOTION

On motion of Senator Liias and without objection, the names of all senators were added to Senate Resolution No. 8644, honoring Mr. Eric Stark.

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION 8654

By Senators Hobbs, Hasegawa, Darneille, Randall, Takko, Honeyford, O'Ban, Padden, Palumbo, Wilson, C., Liias, Kuderer, Saldaña, King, Sheldon, and Lovelett

WHEREAS, More than 50 years ago, Eunice Kennedy Shriver saw how unjustly people with intellectual disabilities were treated and decided to take actions that led to the creation of the Special Olympics; and

WHEREAS, Special Olympics is the world's largest sports organization for children and adults with intellectual disabilities, providing year-round training and competitions to more than 5.3 million athletes and Unified Sports partners in 170 countries; and

WHEREAS, Special Olympics is the world's largest public health organization for people with intellectual disabilities and offers a wide range of free health exams and care; and

WHEREAS, Through the power of sports, children and adults with intellectual disabilities discover new strengths, abilities, confidence, and success on the playing field and in life; and

WHEREAS, Special Olympics Washington is a catalyst for inclusion and provides sports and health programs year-round for 18,000 children and adults with intellectual disabilities; and

WHEREAS, Lake Stevens exemplifies the community leadership needed to provide opportunity, resources, and respect for a segment of our community that has historically been ignored; and

WHEREAS, Through the support and fund-raising efforts of hometown hero Chris Pratt, local athletes like the Lake Stevens Eagles Softball Team can continue to train, thrive, and share their gifts and talents with the community; and

WHEREAS, On the 50th anniversary of the global movement, July 2018 marked the hosting of the every-four-years Special Olympics USA Games in Seattle, Washington, gathering 4,000 athletes and coaches from across the nation to compete in 14 Olympic-type sports; and

WHEREAS, The Lake Stevens Eagles competed in the Special Olympics USA Games in July 2018, representing Lake Stevens and Washington State in softball; and

WHEREAS, The Lake Stevens Eagles placed fourth in the nation in softball at the 2018 Special Olympics USA Games; and

WHEREAS, Since 2013, the team has taken home either a gold or silver medal at the annual Special Olympics Washington State Softball Tournament;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Lake Stevens Eagles; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Governor, Mayor of Lake Stevens, and Special Olympics Washington.

Senators Hobbs, Padden, Walsh, Randall and Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8654.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Patty Studdard, Coach, Lake Stevens Eagles softball team; Mr. Dave Lenox, President & CEO, Special Olympics Washington; and the Lake Stevens Eagles Softball Team players, families and friends who were seated in the gallery and recognized by the senate.

MOTION

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

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5604 with the following amendment(s): 5604-S2 AMH ENGR H2597.E

Strike everything after the enacting clause and insert the following:

"ARTICLE 1 GENERAL PROVISIONS

NEW SECTION. **Sec. 101.** SHORT TITLE. This chapter may be cited as the uniform guardianship, conservatorship, and other protective arrangements act.

NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual at least eighteen years of age or an emancipated individual under eighteen years of age.

(2) "Adult subject to conservatorship" means an adult for whom a conservator has been appointed under this chapter.

(3) "Adult subject to guardianship" means an adult for whom a guardian has been appointed under this chapter.

(4) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

(5) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of an

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individual subject to conservatorship. The term includes a co-conservator.

(6) "Conservatorship estate" means the property subject to conservatorship under this chapter.

(7) "Evaluation and treatment facility" has the same meaning as provided in RCW 71.05.020.

(8) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this chapter.

(9) "Full guardianship" means a guardianship that grants the guardian all powers available under this chapter.

(10) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual. The term includes a co-guardian but does not include a guardian ad litem.

(11) "Guardian ad litem" means a person appointed to inform the court about, and to represent, the needs and best interests of an individual.

(12) "Individual subject to conservatorship" means an adult or minor for whom a conservator has been appointed under this chapter.

(13) "Individual subject to guardianship" means an adult or minor for whom a guardian has been appointed under this chapter.

(14) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. The term includes supported decision making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances.

(15) "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act.

(16) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this chapter, grants powers over only certain property, or otherwise restricts the powers of the conservator.

(17) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

(18) "Long-term care facility" has the same meaning as provided in RCW 70.129.010.

(19) "Minor" means an unemancipated individual under eighteen years of age.

(20) "Minor subject to conservatorship" means a minor for whom a conservator has been appointed under this chapter.

(21) "Minor subject to guardianship" means a minor for whom a guardian has been appointed under this chapter.

(22) "Parent" does not include an individual whose parental rights have been terminated.

(23) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(24) "Professional guardian or conservator" means a guardian or conservator appointed under this chapter who is not a relative of the person subject to guardianship or conservatorship established under this chapter and who charges fees for carrying out the duties of court-appointed guardian or conservator for three or more persons.

(25) "Property" includes tangible and intangible property.

(26) "Protective arrangement instead of conservatorship" means a court order entered under section 503 of this act.

(27) "Protective arrangement instead of guardianship" means a court order entered under section 502 of this act.

(28) "Protective arrangement under article 5 of this chapter" means a court order entered under section 502 or 503 of this act.

(29) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(30) "Relative" means any person related by blood or by law to the person subject to guardianship, conservatorship, or other protective arrangements.

(31) "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought.

(32) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(33) "Special agent" means the person appointed by the court pursuant to section 404 or 512 of this act.

(34) "Standby guardian" means a person appointed by the court under section 208 of this act.

(35) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

(36) "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual's wishes.

(37) "Verified receipt" is a verified receipt signed by the custodian of funds stating that a savings and loan association or bank, trust company, escrow corporation, or other corporations approved by the court hold the cash or securities of the individual subject to conservatorship subject to withdrawal only by order of the court.

(38) "Visitor" means the person appointed by the court pursuant to section 304(1) or 405(1) of this act.

NEW SECTION. Sec. 103. SUPPLEMENTAL PRINCIPLES OF LAW AND EQUITY APPLICABLE. Unless displaced by a particular provision of this chapter, the principles of law and equity supplement its provisions.

NEW SECTION. Sec. 104. SUBJECT MATTER JURISDICTION. (1) Except to the extent jurisdiction is precluded by the uniform child custody jurisdiction and enforcement act (chapter 26.27 RCW), the superior court of each county has jurisdiction over a guardianship for a minor domiciled or present in this state. The court has jurisdiction over a conservatorship or protective arrangement instead of conservatorship for a minor domiciled or having property in this state.

(2) The superior court of each county has jurisdiction over a guardianship, conservatorship, or protective arrangement under article 5 of this chapter for an adult as provided in the uniform adult guardianship and protective proceedings jurisdiction act (chapter 11.90 RCW).

(3) After notice is given in a proceeding for a guardianship, conservatorship, or protective arrangement under article 5 of this chapter and until termination of the proceeding, the court in which the petition is filed has:

(a) Exclusive jurisdiction to determine the need for the guardianship, conservatorship, or protective arrangement;

(b) Exclusive jurisdiction to determine how property of the respondent must be managed, expended, or distributed to or for

the use of the respondent, an individual who is dependent in fact on the respondent, or other claimant;

(c) Nonexclusive jurisdiction to determine the validity of a claim against the respondent or property of the respondent or a question of title concerning the property; and

(d) If a guardian or conservator is appointed, exclusive jurisdiction over issues related to administration of the guardianship or conservatorship.

(4) A court that appoints a guardian or conservator, or authorizes a protective arrangement under article 5 of this chapter, has exclusive and continuing jurisdiction over the proceeding until the court terminates the proceeding or the appointment or protective arrangement expires by its terms.

NEW SECTION. Sec. 105. TRANSFER OF PROCEEDING. (1) This section does not apply to a guardianship or conservatorship for an adult that is subject to the transfer provisions of the uniform adult guardianship and protective proceedings jurisdiction act (chapter 11.90 RCW).

(2) After appointment of a guardian or conservator, the court that made the appointment may transfer the proceeding to a court in another county in this state or another state if transfer is in the best interest of the individual subject to the guardianship or conservatorship.

(3) If a proceeding for a guardianship or conservatorship is pending in another state or a foreign country and a petition for guardianship or conservatorship for the same individual is filed in a court in this state, the court shall notify the court in the other state or foreign country and, after consultation with that court, assume or decline jurisdiction, whichever is in the best interest of the respondent.

(4) A guardian or conservator appointed in another state or country may petition the court for appointment as a guardian or conservator in this state for the same individual if jurisdiction in this state is or will be established. The appointment may be made on proof of appointment in the other state or foreign country and presentation of a certified copy of the part of the court record in the other state or country specified by the court in this state.

(5) Notice of hearing on a petition under subsection (4) of this section, together with a copy of the petition, must be given to the respondent, if the respondent is at least twelve years of age at the time of the hearing, and to the persons that would be entitled to notice if the procedures for appointment of a guardian or conservator under this chapter were applicable. The court shall make the appointment unless it determines the appointment would not be in the best interest of the respondent.

(6) Not later than fourteen days after appointment under subsection (5) of this section, the guardian or conservator shall give a copy of the order of appointment to the individual subject to guardianship or conservatorship, if the individual is at least twelve years of age, and to all persons given notice of the hearing on the petition.

NEW SECTION. Sec. 106. VENUE. (1) Venue for a guardianship proceeding for a minor is in:

(a) The county in which the minor resides or is present at the time the proceeding commences; or

(b) The county in which another proceeding concerning the custody or parental rights of the minor is pending.

(2) Venue for a guardianship proceeding or protective arrangement instead of guardianship for an adult is in:

(a) The county in which the respondent resides;

(b) If the respondent has been admitted to an institution by court order, the county in which the court is located; or

(c) If the proceeding is for appointment of an emergency guardian for an adult, the county in which the respondent is present.

(3) Venue for a conservatorship proceeding or protective arrangement instead of conservatorship is in:

(a) The county in which the respondent resides, whether or not a guardian has been appointed in another county or other jurisdiction; or

(b) If the respondent does not reside in this state, in any county in which property of the respondent is located.

(4) If proceedings under this chapter are brought in more than one county, the court of the county in which the first proceeding is brought has the exclusive right to proceed unless the court determines venue is properly in another court or the interest of justice otherwise requires transfer of the proceeding.

NEW SECTION. Sec. 107. PRACTICE IN COURT. (1) Except as otherwise provided in this chapter, the rules of evidence and civil procedure, including rules concerning appellate review, govern a proceeding under this chapter.

(2) If proceedings for a guardianship, conservatorship, or protective arrangement under article 5 of this chapter for the same individual are commenced or pending in the same court, the proceedings may be consolidated.

(3) A respondent may demand a jury trial in a proceeding under this chapter on the issue whether a basis exists for appointment of a guardian or conservator.

NEW SECTION. Sec. 108. LETTERS OF OFFICE. (1) The court shall issue letters of guardianship to a guardian on filing by the guardian of an acceptance of appointment.

(2) The court shall issue letters of conservatorship to a conservator on filing by the conservator of an acceptance of appointment and filing of any required bond or compliance with any other verified receipt required by the court.

(3) Limitations on the powers of a guardian or conservator or on the property subject to conservatorship must be stated on the letters of office.

(4) The court at any time may limit the powers conferred on a guardian or conservator. The court shall issue new letters of office to reflect the limitation.

(5) A guardian or conservator may not act on behalf of a person under guardianship or conservatorship without valid letters of office.

(6) The clerk of the superior court shall issue letters of guardianship or conservatorship in or substantially in the same form as set forth in section 605 of this act.

(7) This chapter does not affect the validity of letters of office issued under chapter 11.88 RCW prior to the effective date of this section.

NEW SECTION. Sec. 109. EFFECT OF ACCEPTANCE OF APPOINTMENT. On acceptance of appointment, a guardian or conservator submits to personal jurisdiction of the court in this state in any proceeding relating to the guardianship or conservatorship.

NEW SECTION. Sec. 110. CO-GUARDIAN—CO-CONSERVATOR. (1) The court at any time may appoint a co-guardian or co-conservator to serve immediately or when a designated event occurs.

(2) A co-guardian or co-conservator appointed to serve immediately may act when that co-guardian or co-conservator complies with section 108 of this act.

(3) A co-guardian or co-conservator appointed to serve when a designated event occurs may act when:

(a) The event occurs; and

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(b) That co-guardian or co-conservator complies with section 108 of this act.

(4) Unless an order of appointment under subsection (1) of this section or subsequent order states otherwise, co-guardians or co-conservators shall make decisions jointly.

NEW SECTION. Sec. 111. JUDICIAL APPOINTMENT OF SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR. (1) The court at any time may appoint a successor guardian or successor conservator to serve immediately or when a designated event occurs.

(2) A person entitled under section 202 or 302 of this act to petition the court to appoint a guardian may petition the court to appoint a successor guardian. A person entitled under section 402 of this act to petition the court to appoint a conservator may petition the court to appoint a successor conservator.

(3) A successor guardian or successor conservator appointed to serve when a designated event occurs may act as guardian or conservator when:

- (a) The event occurs; and
 - (b) The successor complies with section 108 of this act.
- (4) A successor guardian or successor conservator has the predecessor's powers unless otherwise provided by the court.

NEW SECTION. Sec. 112. EFFECT OF DEATH, REMOVAL, OR RESIGNATION OF GUARDIAN OR CONSERVATOR. (1) Appointment of a guardian or conservator terminates on the death or removal of the guardian or conservator, or when the court under subsection (2) of this section approves a resignation of the guardian or conservator.

(2) A guardian or conservator must petition the court to resign. The petition may include a request that the court appoint a successor. Resignation of a guardian or conservator is effective on the date the resignation is approved by the court.

(3) Death, removal, or resignation of a guardian or conservator does not affect liability for a previous act or the obligation to account for:

- (a) An action taken on behalf of the individual subject to guardianship or conservatorship; or
- (b) The individual's funds or other property.

NEW SECTION. Sec. 113. NOTICE OF HEARING GENERALLY. (1) Except as otherwise provided in sections 203, 208, 303, 403, and 505 of this act, if notice of a hearing under this chapter is required, the movant shall give notice of the date, time, and place of the hearing to the person to be notified unless otherwise ordered by the court for good cause. Except as otherwise provided in this chapter, notice must be given in compliance with the local superior court's rule of civil procedure at least fourteen days before the hearing.

(2) Proof of notice of a hearing under this chapter must be made before or at the hearing and filed in the proceeding.

(3) Notice of a hearing under this chapter must be in at least sixteen-point font, in plain language, and, to the extent feasible, in a language in which the person to be notified is proficient.

NEW SECTION. Sec. 114. WAIVER OF NOTICE. (1) Except as otherwise provided in subsection (2) of this section, a person may waive notice under this chapter in a record signed by the person or person's attorney and filed in the proceeding.

(2) A respondent, individual subject to guardianship, individual subject to conservatorship, or individual subject to a protective arrangement under article 5 of this chapter may not waive notice under this chapter.

NEW SECTION. Sec. 115. GUARDIAN AD LITEM. The court at any time may appoint a guardian ad litem for an

individual if the court determines the individual's interest otherwise would not be adequately represented. If no conflict of interest exists, a guardian ad litem may be appointed to represent multiple individuals or interests. The guardian ad litem may not be the same individual as the attorney representing the respondent. The court shall state the duties of the guardian ad litem and the reasons for the appointment.

NEW SECTION. Sec. 116. REQUEST FOR NOTICE. (1) A person may file with the court a request for notice under this chapter if the person is:

- (a) Not otherwise entitled to notice; and
- (b) Interested in the welfare of a respondent, individual subject to guardianship or conservatorship, or individual subject to a protective arrangement under article 5 of this chapter.

(2) A request under subsection (1) of this section must include a statement showing the interest of the person making the request and the address of the person or an attorney for the person to whom notice is to be given.

(3) If the court approves a request under subsection (1) of this section, the court shall give notice of the approval to the guardian or conservator, if one has been appointed, or the respondent if no guardian or conservator has been appointed.

NEW SECTION. Sec. 117. DISCLOSURE OF BANKRUPTCY OR CRIMINAL HISTORY. (1) Before accepting appointment as a guardian or conservator, a person shall disclose to the court whether the person:

- (a) Is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding;
- (b) Has been convicted of:
 - (i) A felony;
 - (ii) A crime involving dishonesty, neglect, violence, or use of physical force; or
 - (iii) Other crimes relevant to the functions the individual would assume as guardian or conservator; or
- (c) Has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business.

(2) A guardian or conservator that engages or anticipates engaging an agent the guardian or conservator knows has been convicted of a felony, a crime involving dishonesty, neglect, violence, or use of physical force, or other crimes relevant to the functions the agent is being engaged to perform promptly shall disclose that knowledge to the court.

(3) If a conservator engages or anticipates engaging an agent to manage finances of the individual subject to conservatorship and knows the agent is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding, the conservator promptly shall disclose that knowledge to the court.

(4) If a guardian or conservator that engages or anticipates engaging an agent and knows the agent has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business, the guardian or conservator promptly shall disclose that knowledge to the court.

NEW SECTION. Sec. 118. QUALIFICATIONS. (1) Any suitable person over the age of twenty-one years, or any parent under the age of twenty-one years or, if the petition is for appointment of a professional guardian or conservator, any individual or guardianship or conservatorship service that meets any certification requirements established by the administrator for the courts, may, if not otherwise disqualified, be appointed guardian or conservator of a person subject to guardianship,

conservatorship, or both. A financial institution subject to the jurisdiction of the department of financial institutions and authorized to exercise trust powers, and a federally chartered financial institution when authorized to do so, may be appointed to act as a guardian or conservator of a person subject to guardianship, conservatorship, or both without having to meet the certification requirements established by the administrator for the courts. No person is qualified to serve as a guardian or conservator who is:

(a) Under eighteen years of age except as otherwise provided herein;

(b)(i) Except as provided otherwise in (b)(ii) of this subsection, convicted of a crime involving dishonesty, neglect, or use of physical force or other crime relevant to the functions the individual would assume as guardian;

(ii) A court may, upon consideration of the facts, find that a relative convicted of a crime is qualified to serve as a guardian or conservator;

(c) A nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate and caused such appointment to be filed with the court;

(d) A corporation not authorized to act as a fiduciary, guardian, or conservator in the state;

(e) A person whom the court finds unsuitable.

(2) If a guardian, or conservator is not a certified professional guardian, conservator, or financial institution authorized under this section, the guardian or conservator must complete any standardized training video or web cast for lay guardians or conservators made available by the administrative office of the courts and the superior court where the petition is filed unless granted a waiver by the court. The training video or web cast must be provided at no cost to the guardian, or conservator.

(a) If a petitioner requests the appointment of a specific individual to act as a guardian or conservator, the petition for guardianship or conservatorship must include evidence of the successful completion of the required training video or web cast by the proposed guardian or conservator. The superior court may defer the completion of the training requirement to a date no later than ninety days after appointment if the petitioner requests expedited appointment due to emergent circumstances.

(b) If no person is identified to be appointed guardian or conservator at the time the petition is filed, then the court must require that the petitioner identify within fourteen days from the filing of the petition a specific individual to act as guardian subject to the training requirements set forth herein.

NEW SECTION. Sec. 119. MULTIPLE NOMINATIONS. If a respondent or other person makes more than one nomination of a guardian or conservator, the latest in time governs.

NEW SECTION. Sec. 120. COMPENSATION AND EXPENSES—IN GENERAL. (1) Unless otherwise compensated or reimbursed, an attorney for a respondent in a proceeding under this chapter is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the respondent.

(2) Unless otherwise compensated or reimbursed, an attorney or other person whose services resulted in an order beneficial to an individual subject to guardianship or conservatorship or for whom a protective arrangement under article 5 of this chapter was ordered is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the individual.

(3) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

(4) If the court dismisses a petition under this act and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor against the petitioner.

(5) Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

(6) Where the person subject to guardianship or conservatorship receives guardianship, conservatorships, or other protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

(7) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

(8) If the court dismisses a petition under this chapter and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor against the petitioner.

NEW SECTION. Sec. 121. COMPENSATION OF GUARDIAN OR CONSERVATOR.

(1) Subject to court approval, a guardian is entitled to reasonable compensation for services as guardian and to reimbursement for room, board, clothing, and other appropriate expenses advanced for the benefit of the individual subject to guardianship. If a conservator, other than the guardian or a person affiliated with the guardian, is appointed for the individual, reasonable compensation and reimbursement to the guardian may be approved and paid by the conservator without court approval.

(2) Subject to court approval, a conservator is entitled to reasonable compensation for services and reimbursement for appropriate expenses from the property of the individual subject to conservatorship.

(3) In determining reasonable compensation for a guardian or conservator, the court, or a conservator in determining reasonable compensation for a guardian as provided in subsection (1) of this section, shall approve compensation that shall not exceed the typical amounts paid for comparable services in the community, at a rate for which the service can be performed in the most efficient and cost-effective manner, considering:

(a) The necessity and quality of the services provided;

(b) The experience, training, professional standing, and skills of the guardian or conservator;

(c) The difficulty of the services performed, including the degree of skill and care required;

(d) The conditions and circumstances under which a service was performed, including whether the service was provided outside regular business hours or under dangerous or extraordinary conditions;

(e) The effect of the services on the individual subject to guardianship or conservatorship;

(f) The extent to which the services provided were or were not consistent with the guardian's plan under section 317 of this act or conservator's plan under section 419 of this act; and

(g) The fees customarily paid to a person that performs a like service in the community.

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(4) A guardian or conservator need not use personal funds of the guardian or conservator for the expenses of the individual subject to guardianship or conservatorship.

(5) Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

(6) Where the person subject to guardianship or conservatorship receives guardianship, conservatorship, or other protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

(7) If an individual subject to guardianship or conservatorship seeks to modify or terminate the guardianship or conservatorship or remove the guardian or conservator, the court may order compensation to the guardian or conservator for time spent opposing modification, termination, or removal only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship or conservatorship.

NEW SECTION. Sec. 122. LIABILITY OF GUARDIAN OR CONSERVATOR FOR ACT OF INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP. A guardian or conservator is not personally liable to another person solely because of the guardianship or conservatorship for an act or omission of the individual subject to guardianship or conservatorship.

NEW SECTION. Sec. 123. PETITION AFTER APPOINTMENT FOR INSTRUCTION OR RATIFICATION.

(1) A guardian or conservator may petition the court for instruction concerning fiduciary responsibility or ratification of a particular act related to the guardianship or conservatorship.

(2) On reasonable notice and hearing on a petition under subsection (1) of this section, the court may give an instruction and issue an appropriate order.

(3) The petitioner must provide reasonable notice of the petition and hearing to the individual subject to a guardianship or conservatorship.

NEW SECTION. Sec. 124. THIRD-PARTY ACCEPTANCE OF AUTHORITY OF GUARDIAN OR CONSERVATOR. (1) A person must not recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The person has actual knowledge or a reasonable belief that the letters of office of the guardian or conservator are invalid or the conservator or guardian is exceeding or improperly exercising authority granted by the court; or

(b) The person has actual knowledge that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(2) A person may refuse to recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The guardian's or conservator's proposed action would be inconsistent with this chapter; or

(b) The person makes, or has actual knowledge that another person has made, a report to the department of children, youth, and families or the department of social and health services

stating a good-faith belief that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(3) A person that refuses to accept the authority of a guardian or conservator in accordance with subsection (2) of this section may report the refusal and the reason for refusal to the court. The court on receiving the report shall consider whether removal of the guardian or conservator or other action is appropriate.

(4) A guardian or conservator may petition the court to require a third party to accept a decision made by the guardian or conservator on behalf of the individual subject to guardianship or conservatorship.

(5) If the court determines that a third party has failed to recognize the legitimate authority of a guardian or requires a third party to accept a decision made by the guardian on behalf of the individual subject to guardianship, the court may order that third party to compensate the guardian for the time spent only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship.

NEW SECTION. Sec. 125. USE OF AGENT BY GUARDIAN OR CONSERVATOR. (1) Except as otherwise provided in subsection (3) of this section, a guardian or conservator may delegate a power to an agent which a prudent guardian or conservator of comparable skills could delegate prudently under the circumstances if the delegation is consistent with the guardian's or conservator's fiduciary duties and the guardian's plan under section 317 of this act or the conservator's plan under section 419 of this act.

(2) In delegating a power under subsection (1) of this section, the guardian or conservator shall exercise reasonable care, skill, and caution in:

(a) Selecting the agent;

(b) Establishing the scope and terms of the agent's work in accordance with the guardian's plan under section 317 of this act or the conservator's plan under section 419 of this act;

(c) Monitoring the agent's performance and compliance with the delegation;

(d) Redressing an act or omission of the agent which would constitute a breach of the guardian's or conservator's duties if done by the guardian or conservator; and

(e) Ensuring a background check is conducted on the agent, or conducted on persons employed by the agent when those persons are providing services to the individual subject to a guardianship or conservatorship.

(3) A guardian or conservator may not delegate all powers to an agent.

(4) In performing a power delegated under this section, an agent shall:

(a) Exercise reasonable care to comply with the terms of the delegation and use reasonable care in the performance of the power; and

(b) If the guardian or conservator has delegated to the agent the power to make a decision on behalf of the individual subject to guardianship or conservatorship, use the same decision-making standard the guardian or conservator would be required to use.

(5) By accepting a delegation of a power under subsection (1) of this section from a guardian or conservator, an agent submits to the personal jurisdiction of the courts of this state in an action involving the agent's performance as agent.

(6) A guardian or conservator that delegates and monitors a power in compliance with this section is not liable for the decision, act, or omission of the agent.

NEW SECTION. Sec. 126. TEMPORARY SUBSTITUTE GUARDIAN OR CONSERVATOR. (1) The court may appoint a temporary substitute guardian for an individual subject to guardianship for a period not exceeding six months if:

(a) A proceeding to remove a guardian for the individual is pending; or

(b) The court finds a guardian is not effectively performing the guardian's duties and the welfare of the individual requires immediate action.

(2) The court may appoint a temporary substitute conservator for an individual subject to conservatorship for a period not exceeding six months if:

(a) A proceeding to remove a conservator for the individual is pending; or

(b) The court finds that a conservator for the individual is not effectively performing the conservator's duties and the welfare of the individual or the conservatorship estate requires immediate action.

(3) The court shall hold a hearing to appoint a temporary substitute guardian pursuant to subsection (1)(a) or (b) of this section, or to appoint a temporary substitute conservator pursuant to subsection (2)(a) or (b) of this section. The court shall give notice under section 113 of this act to the adult subject to guardianship or conservatorship and to any other person the court determines should receive notice. The adult subject to guardianship or conservatorship shall have the right to attend the hearing and to be represented by counsel of the adult subject to guardianship or conservatorship's choosing.

(4) Except as otherwise ordered by the court, a temporary substitute guardian or temporary substitute conservator appointed under this section has the powers stated in the order of appointment of the guardian or conservator. The authority of the existing guardian or conservator is suspended for as long as the temporary substitute guardian or conservator has authority.

(5) The court shall give notice of appointment of a temporary substitute guardian or temporary substitute conservator, not later than five days after the appointment, to:

(a) The individual subject to guardianship or conservatorship;

(b) The affected guardian or conservator; and

(c) In the case of a minor, each parent of the minor and any person currently having care or custody of the minor.

(6) The court may remove a temporary substitute guardian or temporary substitute conservator at any time. The temporary substitute guardian or temporary substitute conservator shall make any report the court requires.

NEW SECTION. Sec. 127. REGISTRATION OF ORDER—EFFECT. (1) If a guardian has been appointed in another state for an individual, and a petition for guardianship for the individual is not pending in this state, the guardian appointed in the other state, after giving notice to the appointing court, may register the guardianship order in this state by filing as a foreign judgment, in a court of an appropriate county of this state, certified copies of the order and letters of office.

(2) If a conservator has been appointed in another state for an individual, and a petition for conservatorship for the individual is not pending in this state, the conservator appointed for the individual in the other state, after giving notice to the appointing court, may register the conservatorship in this state by filing as a foreign judgment, in a court of a county in which property belonging to the individual subject to conservatorship is located, certified copies of the order of conservatorship, letters of office, and any bond or other verified receipt required by the court.

(3) On registration under this section of a guardianship or conservatorship order from another state, the guardian or conservator may exercise in this state all powers authorized in the

order except as prohibited by this chapter and law of this state other than this chapter. If the guardian or conservator is not a resident of this state, the guardian or conservator may maintain an action or proceeding in this state subject to any condition imposed by this state on an action or proceeding by a nonresident party.

(4) The court may grant any relief available under this chapter and law of this state other than this chapter to enforce an order registered under this section.

NEW SECTION. Sec. 128. GRIEVANCE AGAINST GUARDIAN OR CONSERVATOR. (1) An individual who is subject to guardianship or conservatorship, or person interested in the welfare of an individual subject to guardianship or conservatorship, that reasonably believes the guardian or conservator is breaching the guardian's or conservator's fiduciary duty or otherwise acting in a manner inconsistent with this chapter may file a grievance in a record with the court.

(2) Subject to subsection (3) of this section, after receiving a grievance under subsection (1) of this section, the court:

(a) Shall promptly review the grievance against a guardian and shall act to protect the autonomy, values, preferences, and independence of the individual subject to guardianship or conservatorship;

(b) Shall schedule a hearing if the individual subject to guardianship or conservatorship is an adult and the grievance supports a reasonable belief that:

(i) Removal of the guardian and appointment of a successor may be appropriate under section 319 of this act;

(ii) Termination or modification of the guardianship may be appropriate under section 320 of this act;

(iii) Removal of the conservator and appointment of a successor may be appropriate under section 430 of this act;

(iv) Termination or modification of the conservatorship may be appropriate under section 431 of this act; or

(v) A hearing is necessary to resolve the allegations set forth in the grievance; and

(c) May take any action supported by the evidence, including:

(i) Ordering the guardian or conservator to provide the court a report, accounting, inventory, updated plan, or other information;

(ii) Appointing a guardian ad litem;

(iii) Appointing an attorney for the individual subject to guardianship or conservatorship; or

(iv) Holding a hearing.

(3) The court may decline to act under subsection (2) of this section if a similar grievance was filed within the six months preceding the filing of the current grievance and the court followed the procedures of subsection (2) of this section in considering the earlier grievance; and may levy necessary sanctions, including but not limited to the imposition of reasonable attorney fees, costs, striking pleadings, or other appropriate relief, if after consideration the court finds that the grievance is made for reason to harass, delay, with malice, or other bad faith.

(4) In any court action under this section where the court finds the professional guardian or conservator breached a fiduciary duty, the court must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board.

(5) A court shall not dismiss a grievance that has been filed against a guardian or conservator due to an inability to resolve the grievance in a timely manner.

NEW SECTION. Sec. 129. DELEGATION BY PARENT. Except as otherwise provided in RCW 11.125.410, a parent of a minor, by a power of attorney, may delegate to another person for a period not exceeding twenty-four months any of the parent's

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powers regarding care, custody, or property of the minor, other than power to consent to marriage or adoption.

NEW SECTION. Sec. 130. EX PARTE COMMUNICATIONS—REMOVAL. A guardian ad litem or visitor shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte motions shall be heard in open court on the record. The record may be preserved in a manner deemed appropriate by the county where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem or visitor who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

NEW SECTION. Sec. 131. REGISTRY FOR GUARDIANS AD LITEM AND VISITORS. (1) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem and visitors in guardianship and conservatorship matters. The court shall choose as guardian ad litem or visitor a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem or visitor. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(2) To be eligible for the registry a person shall:

(a) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

(i) Level of formal education;

(ii) Training related to the duties of a guardian ad litem or visitor;

(iii) Number of years' experience as a guardian ad litem or visitor;

(iv) Number of appointments as a guardian ad litem or visitor and the county or counties of appointment;

(v) Criminal history, as defined in RCW 9.94A.030; and

(vi) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of persons subject to guardianship or conservatorship, legal procedure, and the requirements of this chapter.

The written statement of qualifications shall include the names of any counties in which the person was removed from a guardian ad litem or visitor registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(b) Complete the training as described in subsection (5) of this section. The training is not applicable to guardians ad litem appointed pursuant to special proceeding rule 98.16W.

(3) The superior court shall remove any person from the guardian ad litem or visitor registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(4) The background and qualification information shall be updated annually.

(5) The department of social and health services shall convene an advisory group to develop a model lay guardian, guardian ad litem, and visitor training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, domestic violence, aging, legal, court administration, the Washington state bar association, and other interested parties.

(6) The superior court shall require utilization of the model program developed by the advisory group as described in subsection (5) of this section to assure that candidates applying for registration as a qualified guardian ad litem or visitor shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem or visitor.

NEW SECTION. Sec. 132. GUARDIANSHIP/CONSERVATORSHIP SUMMARY. Every order appointing a guardian or conservator and every court order approving accounts or reports filed by a guardian or conservator must include a guardianship/conservatorship summary placed directly below the case caption or on a separate cover page in or substantially in the same form as set forth in section 606 of this act.

NEW SECTION. Sec. 133. GUARDIANSHIP/CONSERVATORSHIP COURTHOUSE FACILITATOR PROGRAM. A county may create a guardianship/conservatorship courthouse facilitator program to provide basic services to pro se litigants in guardianship and conservatorship cases. The legislative authority of any county may impose user fees or may impose a surcharge of up to twenty dollars, or both, on superior court cases filed under this chapter, chapter 11.90 RCW, and chapter 73.36 RCW to pay for the expenses of the guardianship/conservatorship courthouse facilitator program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate guardianship/conservatorship courthouse facilitator account to be used as provided in this section.

NEW SECTION. Sec. 134. FILING FEE. (1)(a) The attorney general may petition for the appointment of a guardian, conservator, or other protective arrangement under sections 302, 402, and 504 of this act in which there is cause to believe that a guardianship, conservatorship, or protective arrangement is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship, conservatorship, or protective arrangement proceeding brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the respondent person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the respondent, in which case the filing shall be waived.

(2) No filing fee shall be charged by the court for filing a petition for guardianship, conservatorship, or other protective arrangement filed under sections 302, 402, and 504 of this act if the petition alleges that the respondent has total assets of a value of less than three thousand dollars.

(3) No filing fee shall be charged by the court for filing a petition for guardianship or conservatorship filed under article 2 of this act, where the potential guardian is a relative and not a professional guardian or conservator.

NEW SECTION. Sec. 135. GUARDIANSHIPS INVOLVING VETERANS. For guardianships involving veterans see chapter 73.36 RCW.

NEW SECTION. Sec. 136. CONSTRUCTION—CHAPTER APPLICABLE TO STATE REGISTERED DOMESTIC PARTNERSHIPS—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and relative shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

ARTICLE 2 GUARDIANSHIP OF MINOR

NEW SECTION. Sec. 201. BASIS FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) A person becomes a guardian for a minor only on appointment by the court.

(2) The court may appoint a guardian for a minor who does not have a guardian if the court finds the appointment is in the minor's best interest and:

- (a) Each parent of the minor, after being fully informed of the nature and consequences of guardianship, consents;
- (b) All parental rights have been terminated; or
- (c) There is clear and convincing evidence that no parent of the minor is willing or able to exercise the powers the court is granting the guardian.

NEW SECTION. Sec. 202. PETITION FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) A person interested in the welfare of a minor, including the minor, may petition for appointment of a guardian for the minor.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the minor, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

- (a) The minor's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the minor will reside if the appointment is made;
- (b) The name and current street address of the minor's parents;
- (c) The name and address, if known, of each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;
- (d) The name and address of any attorney for the minor and any attorney for each parent of the minor;
- (e) The reason guardianship is sought and would be in the best interest of the minor;
- (f) The name and address of any proposed guardian and the reason the proposed guardian should be selected;
- (g) If the minor has property other than personal effects, a general statement of the minor's property with an estimate of its value;
- (h) Whether the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings;
- (i) Whether any parent of the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings; and

(j) Whether any other proceeding concerning the care or custody of the minor is pending in any court in this state or another jurisdiction.

NEW SECTION. Sec. 203. NOTICE OF HEARING FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) If a petition is filed under section 202 of this act, the court shall schedule a hearing and the petitioner shall:

(a) Serve notice of the date, time, and place of the hearing, together with a copy of the petition, personally on each of the following that is not the petitioner:

- (i) The minor, if the minor will be twelve years of age or older at the time of the hearing;
- (ii) Each parent of the minor or, if there is none, the adult nearest in kinship who can be found with reasonable diligence;
- (iii) Any adult with whom the minor resides;
- (iv) Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition; and
- (v) Any other person the court determines should receive personal service of notice; and

(b) Give notice under section 113 of this act of the date, time, and place of the hearing, together with a copy of the petition, to:

- (i) Any person nominated as guardian by the minor, if the minor is twelve years of age or older;
- (ii) Any nominee of a parent;
- (iii) Each grandparent and adult sibling of the minor;
- (iv) Any guardian or conservator acting for the minor in any jurisdiction; and
- (v) Any other person the court determines.

(2) Notice required by subsection (1) of this section must include a statement of the right to request appointment of an attorney for the minor or object to appointment of a guardian and a description of the nature, purpose, and consequences of appointment of a guardian.

(3) The court may not grant a petition for guardianship of a minor if notice substantially complying with subsection (1)(a) of this section is not served on:

- (a) The minor, if the minor is twelve years of age or older; and
- (b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent cannot with due diligence be located and served or the parent waived, in a record, the right to notice.

(4) If a petitioner is unable to serve notice under subsection (1)(a) of this section on a parent of a minor or alleges that the parent waived, in a record, the right to notice under this section, the court shall appoint a visitor who shall:

- (a) Interview the petitioner and the minor;
- (b) If the petitioner alleges the parent cannot be located, ascertain whether the parent cannot be located with due diligence;
- (c) Investigate any other matter relating to the petition the court directs; and
- (d) Ascertain whether the parent consents to the guardian for the minor.

NEW SECTION. Sec. 204. ATTORNEY FOR MINOR OR PARENT. (1) The court is not required, but may appoint an attorney to represent a minor who is the subject of a proceeding under section 202 of this act if:

- (a) Requested by the minor and the minor is twelve years of age or older;
- (b) Recommended by a guardian ad litem; or
- (c) The court determines the minor needs representation.

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(2) An attorney appointed under subsection (1) of this section shall:

- (a) Make a reasonable effort to ascertain the minor's wishes;
- (b) Advocate for the minor's wishes to the extent reasonably ascertainable; and

(c) If the minor's wishes are not reasonably ascertainable, advocate for the minor's legal rights.

(3) A minor who is the subject of a proceeding under section 202 of this act may retain an attorney to represent the minor in the proceeding.

(4) A parent of a minor who is the subject of a proceeding under section 202 of this act may retain an attorney to represent the parent in the proceeding.

(5) The court must appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 202 of this act if:

- (a) The parent has appeared in the proceeding;
- (b) The parent is indigent; and
- (c) Any of the following is true:
 - (i) The parent objects to appointment of a guardian for the minor; or
 - (ii) The court determines that counsel is needed to ensure that consent to appointment of a guardian is informed; or
 - (iii) The court otherwise determines the parent needs representation.

(6) The court must inquire about whether a parent is indigent to ensure that counsel is appointed in a timely manner. For purposes of this section, "indigent" has the same meaning as under RCW 10.101.010.

(7) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 202 of this act, even if the parent is not indigent, if:

- (a) The parent objects to appointment of a guardian for the minor;
- (b) The court determines that counsel is needed to ensure that consent to appointment of a guardian is informed; or
- (c) The court otherwise determines that the parent needs representation.

(8) A party represented by an attorney in proceedings under this article has the right to introduce evidence, to be heard in his or her own behalf, and to examine witnesses. If a party to an action under this article is represented by counsel, no order may be provided to that party for signature without prior notice and provision of the order to counsel.

NEW SECTION. Sec. 205. ATTENDANCE AND PARTICIPATION AT HEARING FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) The court shall allow a minor who is the subject of a hearing under section 203 of this act to attend the hearing and allow the minor to participate in the hearing unless the court determines, by clear and convincing evidence presented at the hearing or a separate hearing, that:

- (a) The minor lacks the ability or maturity to participate meaningfully in the hearing; or
 - (b) Attendance would be harmful to the minor.
- (2) Unless excused by the court for good cause, the person proposed to be appointed as guardian for a minor shall attend a hearing under section 203 of this act.

(3) Each parent of a minor who is the subject of a hearing under section 203 of this act has the right to attend the hearing.

(4) A person may request permission to participate in a hearing under section 203 of this act. The court may grant the request, with or without hearing, on determining that it is in the best interest of the minor who is the subject of the hearing. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 206. CUSTODY ORDERS—BACKGROUND INFORMATION TO BE CONSULTED. (1) Before granting any order regarding the custody of a child under this chapter, the court must consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

(2) Before entering a final order, the court must:

- (a) Direct the department of children, youth, and families to release information as provided under RCW 13.50.100; and
- (b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for the petitioner and adult members of the petitioner's household.

NEW SECTION. Sec. 207. ORDER OF APPOINTMENT—PRIORITY OF NOMINEE—LIMITED GUARDIANSHIP FOR MINOR. (1) After a hearing under section 203 of this act, the court may appoint a guardian for a minor, if appointment is proper under section 201 of this act, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

- (a) The court shall appoint a person nominated as guardian by a parent of the minor in a will or other record unless the court finds the appointment is contrary to the best interest of the minor.
- (b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which may include contact or visitation with the minor, decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

- (a) The guardian has delegated custody of the minor subject to guardianship;
- (b) The court has modified or limited the powers of the guardian; or
- (c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

NEW SECTION. Sec. 208. STANDBY GUARDIAN FOR MINOR. (1) A standby guardian appointed under this section may act as guardian, with all duties and powers of a guardian under sections 210 and 211 of this act, when no parent of the minor is willing or able to exercise the duties and powers granted to the guardian.

(2) A parent of a minor, in a signed record, may nominate a person to be appointed by the court as standby guardian for the minor. The parent, in a signed record, may state desired limitations on the powers to be granted the standby guardian. The parent, in a signed record, may revoke or amend the nomination at any time before the court appoints a standby guardian.

(3) The court may appoint a standby guardian for a minor on:

(a) Petition by a parent of the minor or a person nominated under subsection (2) of this section; and

(b) Finding that no parent of the minor likely will be able or willing to care for or make decisions with respect to the minor not later than two years after the appointment.

(4) A petition under subsection (3)(a) of this section must include the same information required under section 202 of this act for the appointment of a guardian for a minor.

(5) On filing a petition under subsection (3)(a) of this section, the petitioner shall:

(a) Serve a copy of the petition personally on:

(i) The minor, if the minor is twelve years of age or older, and the minor's attorney, if any;

(ii) Each parent of the minor;

(iii) The person nominated as standby guardian; and

(iv) Any other person the court determines; and

(b) Include with the copy of the petition served under (a) of this subsection a statement of the right to request appointment of an attorney for the minor or to object to appointment of the standby guardian, and a description of the nature, purpose, and consequences of appointment of a standby guardian.

(6) A person entitled to notice under subsection (5) of this section, not later than sixty days after service of the petition and statement, may object to appointment of the standby guardian by filing an objection with the court and giving notice of the objection to each other person entitled to notice under subsection (5) of this section.

(7) If an objection is filed under subsection (6) of this section, the court shall hold a hearing to determine whether a standby guardian should be appointed and, if so, the person that should be appointed. If no objection is filed, the court may make the appointment.

(8) The court may not grant a petition for a standby guardian of the minor if notice substantially complying with subsection (5) of this section is not served on:

(a) The minor, if the minor is twelve years of age or older; and

(b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent, in a record, waived the right to notice or cannot be located and served with due diligence.

(9) If a petitioner is unable to serve notice under subsection (5) of this section on a parent of the minor or alleges that a parent of the minor waived the right to notice under this section, the court shall appoint a visitor who shall:

(a) Interview the petitioner and the minor;

(b) If the petitioner alleges the parent cannot be located and served, ascertain whether the parent cannot be located with due diligence; and

(c) Investigate any other matter relating to the petition the court directs.

(10) If the court finds under subsection (3) of this section that a standby guardian should be appointed, the following rules apply:

(a) The court shall appoint the person nominated under subsection (2) of this section unless the court finds the appointment is contrary to the best interest of the minor.

(b) If the parents have nominated different persons to serve as standby guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(11) An order appointing a standby guardian under this section must state that each parent of the minor is entitled to notice, and identify any other person entitled to notice, if:

(a) The standby guardian assumes the duties and powers of the guardian;

(b) The guardian delegates custody of the minor;

(c) The court modifies or limits the powers of the guardian; or

(d) The court removes the guardian.

(12) Before assuming the duties and powers of a guardian, a standby guardian must file with the court an acceptance of appointment as guardian and give notice of the acceptance to:

(a) Each parent of the minor, unless the parent, in a record, waived the right to notice or cannot be located and served with due diligence;

(b) The minor, if the minor is twelve years of age or older; and

(c) Any person, other than the parent, having care or custody of the minor.

(13) A person that receives notice under subsection (12) of this section or any other person interested in the welfare of the minor may file with the court an objection to the standby guardian's assumption of duties and powers of a guardian. The court shall hold a hearing if the objection supports a reasonable belief that the conditions for assumption of duties and powers have not been satisfied.

NEW SECTION. Sec. 209. EMERGENCY GUARDIAN FOR MINOR. (1) On its own, or on petition by a person interested in a minor's welfare, the court may appoint an emergency guardian for the minor if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare; and

(b) No other person appears to have authority and willingness to act in the circumstances.

(2) The duration of authority of an emergency guardian for a minor may not exceed sixty days and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on a petition for appointment of an emergency guardian for a minor must be given to:

(a) The minor, if the minor is twelve years of age or older;

(b) Any attorney appointed under section 204 of this act;

(c) Each parent of the minor;

(d) Any person, other than a parent, having care or custody of the minor; and

(e) Any other person the court determines.

(4) The court may appoint an emergency guardian for a minor without notice under subsection (3) of this section and a hearing only if the court finds from an affidavit or testimony that the minor's health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without notice to an unrepresented minor or the attorney for a represented minor, notice of the appointment must be given not later than forty-eight

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hours after the appointment to the individuals listed in subsection (3) of this section. Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(5) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under section 201 of this act.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

(7) Notwithstanding subsection (2) of this section, the court may extend an emergency guardianship pending the outcome of a full hearing under section 202 or 208 of this act.

NEW SECTION. Sec. 210. DUTIES OF GUARDIAN FOR MINOR. (1) A guardian for a minor is a fiduciary. Except as otherwise limited by the court, a guardian for a minor has the duties and responsibilities of a parent regarding the minor's support, care, education, health, safety, and welfare. A guardian shall act in the minor's best interest and exercise reasonable care, diligence, and prudence.

(2) A guardian for a minor shall:

(a) Be personally acquainted with the minor and maintain sufficient contact with the minor to know the minor's abilities, limitations, needs, opportunities, and physical and mental health;

(b) Take reasonable care of the minor's personal effects and bring a proceeding for a conservatorship or protective arrangement instead of conservatorship if necessary to protect other property of the minor;

(c) Expend funds of the minor which have been received by the guardian for the minor's current needs for support, care, education, health, safety, and welfare;

(d) Conserve any funds of the minor not expended under (c) of this subsection for the minor's future needs, but if a conservator is appointed for the minor, pay the funds at least quarterly to the conservator to be conserved for the minor's future needs;

(e) Report the condition of the minor and account for funds and other property of the minor in the guardian's possession or subject to the guardian's control, as required by court rule or ordered by the court on application of a person interested in the minor's welfare;

(f) Inform the court of any change in the minor's dwelling or address; and

(g) In determining what is in the minor's best interest, take into account the minor's preferences to the extent actually known or reasonably ascertainable by the guardian.

NEW SECTION. Sec. 211. POWERS OF GUARDIAN FOR MINOR. (1) Except as otherwise limited by court order, a guardian of a minor has the powers a parent otherwise would have regarding the minor's support, care, education, health, safety, and welfare.

(2) Except as otherwise limited by court order, a guardian for a minor may:

(a) Apply for and receive funds and benefits otherwise payable for the support of the minor to the minor's parent, guardian, or custodian under a statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;

(b) Unless inconsistent with a court order entitled to recognition in this state, take custody of the minor and establish the minor's place of dwelling in this state and, after following the process in RCW 26.09.405 through 26.09.560 and on authorization of the court, establish or move the minor's dwelling outside this state;

(c) If the minor is not subject to conservatorship, commence a proceeding, including an administrative proceeding, or take other

appropriate action to compel a person to support the minor, pay child support, or make other payments for the benefit of the minor;

(d) Consent to health or other care, treatment, or service for the minor; or

(e) To the extent reasonable, delegate to the minor responsibility for a decision affecting the minor's well-being.

(3) The court may authorize a guardian for a minor to consent to the adoption of the minor if the minor does not have a parent.

NEW SECTION. Sec. 212. REMOVAL OF GUARDIAN FOR MINOR—TERMINATION OF GUARDIANSHIP—APPOINTMENT OF SUCCESSOR. (1) Guardianship under this chapter for a minor terminates:

(a) On the minor's death, adoption, emancipation, or attainment of majority; or

(b) When the court finds that the standard in section 201 of this act for appointment of a guardian is not satisfied, unless the court finds that:

(i) Termination of the guardianship would be harmful to the minor; and

(ii) The minor's interest in the continuation of the guardianship outweighs the interest of any parent of the minor in restoration of the parent's right to make decisions for the minor.

(2) A minor subject to guardianship or a person interested in the welfare of the minor, including a parent, may petition the court to terminate the guardianship, modify the guardianship, remove the guardian and appoint a successor guardian, or remove a standby guardian and appoint a different standby guardian.

(3) A petitioner under subsection (2) of this section shall give notice of the hearing on the petition to the minor, if the minor is twelve years of age or older and is not the petitioner, the guardian, each parent of the minor, and any other person the court determines.

(4) The court shall follow the priorities in section 207(2) of this act when selecting a successor guardian for a minor.

(5) Not later than thirty days after appointment of a successor guardian for a minor, the court shall give notice of the appointment to the minor subject to guardianship, if the minor is twelve years of age or older, each parent of the minor, and any other person the court determines.

(6) When terminating a guardianship for a minor under this section, the court may issue an order providing for transitional arrangements that will assist the minor with a transition of custody and is in the best interest of the minor.

(7) A guardian for a minor that is removed shall cooperate with a successor guardian to facilitate transition of the guardian's responsibilities and protect the best interest of the minor.

NEW SECTION. Sec. 213. PRIOR COURT ORDER VALIDITY. This chapter does not affect the validity of any court order issued under chapter 26.10 RCW prior to the effective date of this section. Orders issued under chapter 26.10 RCW prior to the effective date of this section remain in effect and do not need to be reissued in a new order under this chapter.

NEW SECTION. Sec. 214. APPLICATION OF THE INDIAN CHILD WELFARE ACT. (1) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the child is or may be an Indian child as defined in RCW 13.38.040. If the child is an Indian child, chapter 13.38 RCW shall apply.

(2) Every order or decree entered in any proceeding under this chapter shall contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the decree or order must also

contain a finding that all notice and evidentiary requirements under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied.

NEW SECTION. Sec. 215. CHILD SUPPORT. In entering or modifying an order under this chapter, the court may order one or more parents of the child to pay an amount reasonable or necessary for the child's support pursuant to chapter 26.19 RCW.

NEW SECTION. Sec. 216. HEALTH INSURANCE COVERAGE—CONDITIONS. (1) In entering or modifying a custody order under this chapter, the court must require one or more parents to maintain or provide health insurance coverage for any dependent child if the following conditions are met:

(a) Health insurance that can be extended to cover the child is available to that parent through an employer or other organization; and

(b) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child.

(2) A parent who is required to extend insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

(3) This section may not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of medical expenses, medical costs, or insurance premiums which are in addition to and not inconsistent with this section. "Health insurance" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

ARTICLE 3 GUARDIANSHIP OF ADULT

NEW SECTION. Sec. 301. BASIS FOR APPOINTMENT OF GUARDIAN FOR ADULT. (1) On petition and after notice and hearing, the court may:

(a) Appoint a guardian for an adult if the court finds by clear and convincing evidence that:

(i) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; and

(ii) The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative; or

(b) With appropriate findings, treat the petition as one for a conservatorship under article 4 of this chapter or protective arrangement under article 5 of this chapter, issue any appropriate order, or dismiss the proceeding.

(2) The court shall grant a guardian appointed under subsection (1) of this section only those powers necessitated by the demonstrated needs and limitations of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full guardianship if a limited guardianship, protective arrangement instead of guardianship, or other less restrictive alternative would meet the needs of the respondent.

NEW SECTION. Sec. 302. PETITION FOR APPOINTMENT OF GUARDIAN FOR ADULT. (1) A person interested in an adult's welfare, including the adult for whom the order is sought, may petition for appointment of a guardian for the adult.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if

different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period immediately before the filing of the petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for care of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) Any representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) Any fiduciary for the respondent appointed by the department of veterans affairs;

(vii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(viii) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(ix) A person nominated as guardian by the respondent;

(x) A person nominated as guardian by the respondent's parent or spouse or domestic partner in a will or other signed record;

(xi) A proposed guardian and the reason the proposed guardian should be selected; and

(xii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the petition;

(d) The reason a guardianship is necessary, including a brief description of:

(i) The nature and extent of the respondent's alleged need;

(ii) Any protective arrangement instead of guardianship or other less restrictive alternatives for meeting the respondent's alleged need which have been considered or implemented;

(iii) If no protective arrangement instead of guardianship or other less restrictive alternatives have been considered or implemented, the reason they have not been considered or implemented; and

(iv) The reason a protective arrangement instead of guardianship or other less restrictive alternative is insufficient to meet the respondent's alleged need;

(e) Whether the petitioner seeks a limited guardianship or full guardianship;

(f) If the petitioner seeks a full guardianship, the reason a limited guardianship or protective arrangement instead of guardianship is not appropriate;

(g) If a limited guardianship is requested, the powers to be granted to the guardian;

(h) The name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;

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(i) If the respondent has property other than personal effects, a general statement of the respondent's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.

NEW SECTION. Sec. 303. NOTICE OF HEARING FOR APPOINTMENT OF GUARDIAN FOR ADULT. (1) All petitions filed under section 302 of this act for appointment of a guardian for an adult shall be heard within sixty-days unless an extension of time is requested by a party or the visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2) A copy of a petition under section 302 of this act and notice of a hearing on the petition must be served personally on the respondent and the visitor appointed under section 304 of this act not more than five court days after the petition under section 302 of this act has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under section 302 of this act, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under section 302(2) (a) through (c) of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from appointing a guardian.

(4) After the appointment of a guardian, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

- (a) The adult subject to guardianship;
- (b) The guardian; and
- (c) Any other person the court determines.

NEW SECTION. Sec. 304. APPOINTMENT AND ROLE OF VISITOR. (1) On receipt of a petition under section 302 of this act for appointment of a guardian for an adult, the court shall appoint a visitor. The visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) The court, in the order appointing a visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the visitor may charge without additional court review and approval.

(3)(a) The visitor appointed under subsection (1) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under section 116 of this act with a statement including: His or her training relating to the duties as a visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
- (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
- (iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the visitor and all parties. If, after a hearing, the court enters an order replacing the visitor, findings shall be included, expressly stating the reasons for the removal. If the visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(4) A visitor appointed under subsection (1) of this section shall interview the respondent in person and, in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a guardian;

(b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed guardian, the guardian's proposed powers and duties, and the scope and duration of the proposed guardianship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets.

(5) The visitor appointed under subsection (1) of this section shall:

- (a) Interview the petitioner and proposed guardian, if any;
- (b) Visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the appointment is made;

(c) Obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(6) A visitor appointed under subsection (1) of this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under section 116 of this act at least fifteen days prior to the hearing on the petition filed under section 302 of this act, which must include:

(a) A summary of self-care and independent living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and cannot manage;

(b) A recommendation regarding the appropriateness of guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available and:

(i) If a guardianship is recommended, whether it should be full or limited; and

(ii) If a limited guardianship is recommended, the powers to be granted to the guardian;

(c) A statement of the qualifications of the proposed guardian and whether the respondent approves or disapproves of the proposed guardian;

(d) A statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence;

(e) A recommendation whether a professional evaluation under section 306 of this act is necessary;

(f) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(g) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(h) Any other matter the court directs.

NEW SECTION. Sec. 305. APPOINTMENT AND ROLE OF ATTORNEY FOR ADULT. (1) Unless the respondent in a proceeding for appointment of a guardian for an adult is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay.

(2) An attorney representing the respondent in a proceeding for appointment of a guardian for an adult shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

NEW SECTION. Sec. 306. PROFESSIONAL EVALUATION. (1) At or before a hearing on a petition for a guardianship for an adult, the court shall order a professional evaluation of the respondent:

(a) If the respondent requests the evaluation; or

(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.

(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, or advanced registered nurse practitioner licensed under chapter 18.79 RCW selected by the visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file report in a record with the court. Unless otherwise directed by the court, the report must contain:

(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(c) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan; and

(d) The date of the examination on which the report is based.

(3) The respondent may decline to participate in an evaluation ordered under subsection (1) of this section.

NEW SECTION. Sec. 307. ATTENDANCE AND RIGHTS AT HEARING. (1) Except as otherwise provided in subsection (2) of this section, a hearing under section 303 of this act may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under section 303 of this act may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so; or

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance.

(3) The respondent may be assisted in a hearing under section 303 of this act by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under section 303 of this act.

(5) At a hearing held under section 303 of this act, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses, including any court-appointed evaluator and the visitor; and

(c) Otherwise participate in the hearing.

(6) Unless excused by the court for good cause, a proposed guardian shall attend a hearing under section 303 of this act.

(7) A hearing under section 303 of this act must be closed on request of the respondent and a showing of good cause.

(8) Any person may request to participate in a hearing under section 303 of this act. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 308. CONFIDENTIALITY OF RECORDS. (1) The existence of a proceeding for or the existence of a guardianship for an adult is a matter of public record unless the court seals the record after:

(a) The respondent or individual subject to guardianship requests the record be sealed; and

(b) Either:

(i) The petition for guardianship is dismissed; or

(ii) The guardianship is terminated.

(2) An adult subject to a proceeding for a guardianship, whether or not a guardian is appointed, an attorney designated by the adult, and a person entitled to notice under section 310(5) of this act or a subsequent order are entitled to access court records of the proceeding and resulting guardianship, including the guardian's plan under section 317 of this act and report under section 318 of this act. A person not otherwise entitled to access court records under this subsection for good cause may petition the court for access to court records of the guardianship, including the guardian's report and plan. The court shall grant access if access is in the best interest of the respondent or adult subject to guardianship or furthers the public interest and does not endanger the welfare or financial interests of the adult.

(3) A report under section 304 of this act of a visitor or a professional evaluation under section 306 of this act is confidential and must be sealed on filing, but is available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;

(d) Unless the court orders otherwise, an agent appointed under a power of attorney for health care or power of attorney for finances in which the respondent is the principal; and

(e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

NEW SECTION. Sec. 309. WHO MAY BE GUARDIAN FOR ADULT—ORDER OF PRIORITY. (1) Except as

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otherwise provided in subsection (3) of this section, the court in appointing a guardian for an adult shall consider persons qualified to be guardian in the following order of priority:

(a) A guardian, other than a temporary or emergency guardian, currently acting for the respondent in another jurisdiction;

(b) A person nominated as guardian by the respondent, including the respondent's most recent nomination made in a power of attorney;

(c) An agent appointed by the respondent under a power of attorney for health care;

(d) A spouse or domestic partner of the respondent;

(e) A relative or other individual who has shown special care and concern for the respondent; and

(f) A certified professional guardian or conservator.

(2) If two or more persons have equal priority under subsection (1) of this section, the court shall select as guardian the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a guardian successfully.

(3) The court, acting in the best interest of the respondent, may decline to appoint as guardian a person having priority under subsection (1) of this section and appoint a person having a lower priority or no priority.

(4) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, domestic partner, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as guardian unless:

(a) The individual is related to the respondent by blood, marriage, or adoption; or

(b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(5) An owner, operator, or employee of a long-term care facility at which the respondent is receiving care may not be appointed as guardian unless the owner, operator, or employee is related to the respondent by blood, marriage, or adoption.

NEW SECTION. Sec. 310. ORDER OF APPOINTMENT FOR GUARDIAN. (1) A court order appointing a guardian for an adult must:

(a) Include a specific finding that clear and convincing evidence established that the identified needs of the respondent cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative, including use of appropriate supportive services, technological assistance, or supported decision making;

(b) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition;

(c) State whether the adult subject to guardianship retains the right to vote and, if the adult does not retain the right to vote, include findings that support removing that right which must include a finding that the adult cannot communicate, with or without support, a specific desire to participate in the voting process; and

(d) State whether the adult subject to guardianship retains the right to marry and, if the adult does not retain the right to marry, include findings that support removing that right.

(2) An adult subject to guardianship retains the right to vote unless the order under subsection (1) of this section includes the statement required by subsection (1)(c) of this section. An adult

subject to guardianship retains the right to marry unless the order under subsection (1) of this section includes the findings required by subsection (1)(d) of this section.

(3) A court order establishing a full guardianship for an adult must state the basis for granting a full guardianship and include specific findings that support the conclusion that a limited guardianship would not meet the functional needs of the adult subject to guardianship.

(4) A court order establishing a limited guardianship for an adult must state the specific powers granted to the guardian.

(5) The court, as part of an order establishing a guardianship for an adult, shall identify any person that subsequently is entitled to:

(a) Notice of the rights of the adult under section 311(2) of this act;

(b) Notice of a change in the primary dwelling of the adult;

(c) Notice that the guardian has delegated:

(i) The power to manage the care of the adult;

(ii) The power to make decisions about where the adult lives;

(iii) The power to make major medical decisions on behalf of the adult;

(iv) A power that requires court approval under section 315 of this act; or

(v) Substantially all powers of the guardian;

(d) Notice that the guardian will be unavailable to visit the adult for more than two months or unavailable to perform the guardian's duties for more than one month;

(e) A copy of the guardian's plan under section 317 of this act and the guardian's report under section 318 of this act;

(f) Access to court records relating to the guardianship;

(g) Notice of the death or significant change in the condition of the adult;

(h) Notice that the court has limited or modified the powers of the guardian; and

(i) Notice of the removal of the guardian.

(6) A spouse, domestic partner, and adult children of an adult subject to guardianship are entitled to notice under subsection (5) of this section unless the court determines notice would be contrary to the preferences or prior directions of the adult subject to guardianship or not in the best interest of the adult.

(7) All orders establishing a guardianship for an adult must contain:

(a) A guardianship summary placed directly below the case caption or on a separate cover page in the form or substantially the same form as set forth in section 606 of this act;

(b) The date which the limited guardian or guardian must file the guardian's plan under section 317(1) of this act;

(c) The date by which the court will review the guardian's plan as required by section 317(4) of this act;

(d) The report interval which the guardian shall file its guardian's plan under section 318 of this act. The report interval may be annual, biennial, or triennial;

(e) The date the limited guardian or guardian must file its guardian's plan under section 318 of this act. The due date of the filing of the report shall be within ninety days after the anniversary date of the appointment;

(f) The date for the court to review the guardian's plan under section 318 of this act and enter its order. The court shall conduct the review within one hundred twenty days after the anniversary date of the appointment.

NEW SECTION. Sec. 311. NOTICE OF ORDER OF APPOINTMENT—RIGHTS. (1) A guardian appointed under section 309 of this act shall give the adult subject to guardianship and all other persons given notice under section 303 of this act a copy of the order of appointment, together with notice of the right

to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.

(2) Not later than thirty days after appointment of a guardian under section 309 of this act, the guardian shall give to the adult subject to guardianship and any other person entitled to notice under section 310(5) of this act or a subsequent order a statement of the rights of the adult subject to guardianship and procedures to seek relief if the adult is denied those rights. The statement must be in at least sixteen-point font, in plain language, and, to the extent feasible, in a language in which the adult subject to guardianship is proficient. The statement must notify the adult subject to guardianship of the right to:

(a) Seek termination or modification of the guardianship, or removal of the guardian, and choose an attorney to represent the adult in these matters;

(b) Be involved in decisions affecting the adult, including decisions about the adult's care, dwelling, activities, or social interactions, to the extent reasonably feasible;

(c) Be involved in health care decision making to the extent reasonably feasible and supported in understanding the risks and benefits of health care options to the extent reasonably feasible;

(d) Be notified at least fourteen days before a change in the adult's primary dwelling or permanent move to a nursing home, mental health facility, or other facility that places restrictions on the individual's ability to leave or have visitors unless the change or move is proposed in the guardian's plan under section 317 of this act or authorized by the court by specific order;

(e) Object to a change or move described in (d) of this subsection and the process for objecting;

(f) Communicate, visit, or interact with others, including receiving visitors, and making or receiving telephone calls, personal mail, or electronic communications, including through social media, unless:

(i) The guardian has been authorized by the court by specific order to restrict communications, visits, or interactions;

(ii) A protective order or protective arrangement instead of guardianship is in effect that limits contact between the adult and a person; or

(iii) The guardian has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological, or financial harm to the adult, and the restriction is:

(A) For a period of not more than seven business days if the person has a relative or preexisting social relationship with the adult; or

(B) For a period of not more than sixty days if the person does not have a relative or preexisting social relationship with the adult;

(g) Receive a copy of the guardian's plan under section 317 of this act and the guardian's report under section 318 of this act;

(h) Object to the guardian's plan or report; and

(i) Associate with persons of their choosing as provided in section 315(5) of this act.

NEW SECTION. Sec. 312. EMERGENCY GUARDIAN FOR ADULT. (1) On its own after a petition has been filed under section 302 of this act, or on petition by a person interested in an adult's welfare, the court may appoint an emergency guardian for the adult if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the adult's physical health, safety, or welfare;

(b) No other person appears to have authority and willingness to act in the circumstances; and

(c) There is reason to believe that a basis for appointment of a guardian under section 301 of this act exists.

(2) The duration of authority of an emergency guardian for an adult may not exceed sixty days, and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Immediately on filing of a petition for appointment of an emergency guardian for an adult, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on the petition must be given to the respondent, the respondent's attorney, and any other person the court determines.

(4) The court may appoint an emergency guardian for an adult without notice to the adult and any attorney for the adult only if the court finds from an affidavit or testimony that the respondent's physical health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without giving notice under subsection (3) of this section, the court must:

(a) Give notice of the appointment not later than forty-eight hours after the appointment to:

(i) The respondent;

(ii) The respondent's attorney; and

(iii) Any other person the court determines; and

(b) Hold a hearing on the appropriateness of the appointment not later than five days after the appointment.

(5) Appointment of an emergency guardian under this section is not a determination that a basis exists for appointment of a guardian under section 301 of this act.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

NEW SECTION. Sec. 313. DUTIES OF GUARDIAN FOR ADULT. (1) A guardian for an adult is a fiduciary and owes the highest duty of good faith and care to the person under a guardianship. The guardian shall not substitute his or her moral or religious values, opinions, or philosophical beliefs for those of the person under a guardianship. Except as otherwise limited by the court, a guardian for an adult shall make decisions regarding the support, care, education, health, and welfare of the adult subject to guardianship to the extent necessitated by the adult's limitations.

(2) A guardian for an adult shall promote the self-determination of the adult and, to the extent reasonably feasible, encourage the adult to participate in decisions, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs. In furtherance of this duty, the guardian shall:

(a) Become or remain personally acquainted with the adult and maintain sufficient contact with the adult, including through regular visitation, to know the adult's abilities, limitations, needs, opportunities, and physical and mental health;

(b) To the extent reasonably feasible, identify the values and preferences of the adult and involve the adult in decisions affecting the adult, including decisions about the adult's care, dwelling, activities, or social interactions; and

(c) Make reasonable efforts to identify and facilitate supportive relationships and services for the adult.

(3) A guardian for an adult at all times shall exercise reasonable care, diligence, and prudence when acting on behalf of or making decisions for the adult. In furtherance of this duty, the guardian shall:

(a) Take reasonable care of the personal effects, pets, and service or support animals of the adult and bring a proceeding for

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a conservatorship or protective arrangement instead of conservatorship if necessary to protect the adult's property;

(b) Expend funds and other property of the adult received by the guardian for the adult's current needs for support, care, education, health, and welfare;

(c) Conserve any funds and other property of the adult not expended under (b) of this subsection for the adult's future needs, but if a conservator has been appointed for the adult, pay the funds and other property at least quarterly to the conservator to be conserved for the adult's future needs; and

(d) Monitor the quality of services, including long-term care services, provided to the adult.

(4) In making a decision for an adult subject to guardianship, the guardian shall make the decision the guardian reasonably believes the adult would make if the adult were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the adult. To determine the decision the adult subject to guardianship would make if able, the guardian shall consider the adult's previous or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the guardian.

(5) If a guardian for an adult cannot make a decision under subsection (4) of this section because the guardian does not know and cannot reasonably determine the decision the adult probably would make if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian shall act in accordance with the best interests of the adult. In determining the best interests of the adult, the guardian shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the adult;

(b) Other information the guardian believes the adult would have considered if the adult were able to act; and

(c) Other factors a reasonable person in the circumstances of the adult would consider, including consequences for others.

(6) A guardian for an adult immediately shall notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed.

(7) The guardian shall file with the court within thirty days of any substantial change in the condition of the person under guardianship or any changes in the residence of the person under guardianship and shall provide a copy of the notice to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court has determined is entitled to notice.

(8) To inform any person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court has determined is entitled to notice, but in no case more than five business days, after the person subject to guardianship:

(a) Makes a change in residence that is intended or likely to last more than fourteen calendar days;

(b) Has been admitted to a medical facility for acute care in response to a life-threatening injury or medical condition that requires inpatient care;

(c) Has been treated in an emergency room setting or kept for hospital observation for more than twenty-four hours; or

(d) Dies, in which case the notification must be made in person, by telephone, or by certified mail.

NEW SECTION. Sec. 314. POWERS OF GUARDIAN FOR ADULT. (1) Except as limited by court order, a guardian for an adult may:

(a) Apply for and receive funds and benefits for the support of the adult, unless a conservator is appointed for the adult and the application or receipt is within the powers of the conservator;

(b) Unless inconsistent with a court order, establish the adult's place of dwelling;

(c) Consent to health or other care, treatment, or service for the adult;

(d) If a conservator for the adult has not been appointed, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel another person to support the adult or pay funds for the adult's benefit;

(e) To the extent reasonable, delegate to the adult responsibility for a decision affecting the adult's well-being; and

(f) Receive personally identifiable health care information regarding the adult.

(2) The court by specific order may authorize a guardian for an adult to consent to the adoption of the adult.

(3) The court by specific order may authorize a guardian for an adult to:

(a) Consent or withhold consent to the marriage of the adult if the adult's right to marry has been removed under section 310 of this act;

(b) Petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage; or

(c) Support or oppose a petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage.

(4) In determining whether to authorize a power under subsection (2) or (3) of this section, the court shall consider whether the underlying act would be in accordance with the adult's preferences, values, and prior directions and whether the underlying act would be in the adult's best interest.

(5) In exercising a guardian's power under subsection (1)(b) of this section to establish the adult's place of dwelling, the guardian shall:

(a) Select a residential setting the guardian believes the adult would select if the adult were able, in accordance with the decision-making standard in section 313 (4) and (5) of this act. If the guardian does not know and cannot reasonably determine what setting the adult subject to guardianship probably would choose if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian shall choose in accordance with section 313(5) of this act a residential setting that is consistent with the adult's best interest;

(b) In selecting among residential settings, give priority to a residential setting in a location that will allow the adult to interact with persons important to the adult and meet the adult's needs in the least restrictive manner reasonably feasible unless to do so would be inconsistent with the decision-making standard in section 313 (4) and (5) of this act;

(c) Not later than thirty days after a change in the dwelling of the adult:

(i) Give notice of the change to the court, the adult, and any person identified as entitled to the notice in the court order appointing the guardian or a subsequent order; and

(ii) Include in the notice the address and nature of the new dwelling and state whether the adult received advance notice of the change and whether the adult objected to the change;

(d) Establish or move the permanent place of dwelling of the adult to a nursing home, mental health facility, or other facility that places restrictions on the adult's ability to leave or have visitors only if:

(i) The establishment or move is in the guardian's plan under section 317 of this act;

(ii) The court authorizes the establishment or move; or

(iii) The guardian gives notice of the establishment or move at least fourteen days before the establishment or move to the adult and all persons entitled to notice under section 310(5)(b) of this act or a subsequent order, and no objection is filed;

(e) Establish or move the place of dwelling of the adult outside this state only if consistent with the guardian's plan and authorized by the court by specific order; and

(f) Take action that would result in the sale of or surrender of the lease to the primary dwelling of the adult only if:

(i) The action is specifically included in the guardian's plan under section 317 of this act;

(ii) The court authorizes the action by specific order; or

(iii) Notice of the action was given at least fourteen days before the action to the adult and all persons entitled to the notice under section 310(5)(b) of this act or a subsequent order and no objection has been filed.

(6) In exercising a guardian's power under subsection (1)(c) of this section to make health care decisions, the guardian shall:

(a) Involve the adult in decision making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of health care options;

(b) Defer to a decision by an agent under a power of attorney for health care executed by the adult and cooperate to the extent feasible with the agent making the decision; and

(c) Take into account:

(i) The risks and benefits of treatment options; and

(ii) The current and previous wishes and values of the adult, if known or reasonably ascertainable by the guardian.

(7) Notwithstanding subsection (1)(b) of this section no residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an individual subject to a guardianship shall be void and of no force or effect. This section does not apply to the detention of a minor as provided in chapter 71.34 RCW.

(8) Nothing in this section shall be construed to require a court order authorizing placement of an incapacitated person in a residential treatment facility if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an individual subject to a guardianship shall be served, either before or after placement, by the guardian or limited guardian on such individual, any visitor of record, any guardian ad litem of record, and any attorney of record.

NEW SECTION. Sec. 315. SPECIAL LIMITATIONS ON GUARDIAN'S POWER. (1) Unless authorized by the court by specific order, a guardian for an adult does not have the power to revoke or amend a power of attorney for health care or power of attorney for finances executed by the adult. If a power of attorney for health care is in effect, unless there is a court order to the contrary, a health care decision of an agent takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible. If a power of attorney for finances is in effect, unless there is a court order to the contrary, a decision by the agent which the agent is authorized to make under the power of attorney for finances takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible.

(2) A guardian for an adult may not initiate the commitment of the adult to an evaluation and treatment facility except in

accordance with the state's procedure for involuntary civil commitment.

(3) Unless authorized by the court in accordance with subsection (4) of this section within the past thirty days, a guardian for an adult may not consent to any of the following procedures for the adult:

(a) Therapy or other procedure to induce convulsion;

(b) Surgery solely for the purpose of psychosurgery; or

(c) Other psychiatric or mental health procedures that restrict physical freedom of movement or the rights set forth in RCW 71.05.217.

(4) The court may order a procedure listed in subsection (3) of this section only after giving notice to the adult's attorney and holding a hearing. If the adult does not have an attorney, the court must appoint an attorney for the adult prior to entering an order under this subsection.

(5) PERSONS UNDER A GUARDIANSHIP, CONSERVATORSHIP, OR OTHER PROTECTIVE ARRANGEMENTS—RIGHT TO ASSOCIATE WITH PERSONS OF THEIR CHOOSING.

(a) Except as otherwise provided in this section, a person under a guardianship retains the right to associate with persons of the person under a guardianship's choosing. This right includes, but is not limited to, the right to freely communicate and interact with other persons, whether through in-person visits, telephone calls, electronic communication, personal mail, or other means. If the person under a guardianship is unable to express consent for communication, visitation, or interaction with another person, or is otherwise unable to make a decision regarding association with another person, a guardian of a person under a guardianship, whether full or limited, must:

(i) Personally inform the person under a guardianship of the decision under consideration, using plain language, in a manner calculated to maximize the understanding of the person under a guardianship;

(ii) Maximize the person under a guardianship's participation in the decision-making process to the greatest extent possible, consistent with the person under a guardianship's abilities; and

(iii) Give substantial weight to the person under a guardianship's preferences, both expressed and historical.

(b) A guardian or limited guardian may not restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing, unless:

(i) The restriction is specifically authorized by the guardianship court in the court order establishing or modifying the guardianship or limited guardianship under chapter 11.--- RCW (the new chapter created in section 806 of this act);

(ii) The restriction is pursuant to a protection order issued under chapter 74.34 RCW, chapter 26.50 RCW, or other law, that limits contact between the person under a guardianship and other persons;

(iii)(A) The guardian or limited guardian has good cause to believe that there is an immediate need to restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing in order to protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation, as those terms are defined in RCW 74.34.020, or to protect the person under a guardianship from activities that unnecessarily impose significant distress on the person under a guardianship; and

(B) Within fourteen calendar days of imposing the restriction under (b)(iii)(A) of this subsection, the guardian or limited guardian files a petition for a protection order under chapter 74.34 RCW. The immediate need restriction may remain in place until

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the court has heard and issued an order or decision on the petition; or

(iv) The restriction is pursuant to participation in the community protection program under chapter 71A.12 RCW.

(6) A protection order under chapter 74.34 RCW issued to protect the person under a guardianship as described in subsection (5)(b)(iii)(B) of this section:

(a) Must include written findings of fact and conclusions of law;

(b) May not be more restrictive than necessary to protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020; and

(c) May not deny communication, visitation, interaction, or other association between the person under a guardianship and another person unless the court finds that placing reasonable time, place, or manner restrictions is unlikely to sufficiently protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020.

Sec. 316. RCW 11.125.080 and 2016 c 209 s 108 are each amended to read as follows:

(1) In a power of attorney, a principal may nominate a guardian of the principal's estate or guardian of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good cause shown or disqualification, the court shall make its appointment in accordance with the principal's most recent nomination.

(2) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of all of the principal's property, the power of attorney ~~((is terminated and the agent's authority does not continue unless continued by the court))~~ remains in effect subject to the provisions of section 315(1) of this act.

(3) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of some but not all of the principal's property, the power of attorney shall not terminate or be modified, except to the extent ordered by the court.

NEW SECTION. Sec. 317. GUARDIAN'S PLAN. (1) A guardian for an adult, not later than ninety days after appointment, shall file with the court a plan for the care of the adult and shall provide a copy of the plan to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines. The plan must be based on the needs of the adult and take into account the best interest of the adult as well as the adult's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the guardian. The guardian shall include in the plan:

(a) The living arrangement, services, and supports the guardian expects to arrange, facilitate, or continue for the adult;

(b) Social and educational activities the guardian expects to facilitate on behalf of the adult;

(c) Any person with whom the adult has a close personal relationship or relationship involving regular visitation and any plan the guardian has for facilitating visits with the person;

(d) The anticipated nature and frequency of the guardian's visits and communication with the adult;

(e) Goals for the adult, including any goal related to the restoration of the adult's rights, and how the guardian anticipates achieving the goals;

(f) Whether the adult has an existing plan and, if so, whether the guardian's plan is consistent with the adult's plan; and

(g) A statement or list of the amount the guardian proposes to charge for each service the guardian anticipates providing to the adult.

(2) A guardian shall give notice of the filing of the guardian's plan under subsection (1) of this section, together with a copy of the plan, to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines. The notice must include a statement of the right to object to the plan and be given not later than fourteen days after the filing.

(3) An adult subject to guardianship and any person entitled under subsection (2) of this section to receive notice and a copy of the guardian's plan may object to the plan.

(4) The court shall review the guardian's plan filed under subsection (1) of this section and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (3) of this section and whether the plan is consistent with the guardian's duties and powers under sections 313 and 314 of this act. The court may not approve the plan until thirty days after its filing.

(5) After the guardian's plan filed under this section is approved by the court, the guardian shall provide a copy of the order approving the plan to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines.

NEW SECTION. Sec. 318. GUARDIAN'S REPORT—MONITORING OF GUARDIANSHIP. (1) A guardian for an adult shall file with the court by the date established by the court a report in a record regarding the condition of the adult and accounting for funds and other property in the guardian's possession or subject to the guardian's control. The guardian shall provide a copy of the report to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines.

(2) A report under subsection (1) of this section must state or contain:

(a) The mental, physical, and social condition of the adult;

(b) The living arrangements of the adult during the reporting period;

(c) A summary of the supported decision making, technological assistance, medical services, educational and vocational services, and other supports and services provided to the adult and the guardian's opinion as to the adequacy of the adult's care;

(d) A summary of the guardian's visits with the adult, including the dates of the visits;

(e) Action taken on behalf of the adult;

(f) The extent to which the adult has participated in decision making;

(g) If the adult is living in an evaluation and treatment facility or living in a facility that provides the adult with health care or other personal services, whether the guardian considers the facility's current plan for support, care, treatment, or habilitation consistent with the adult's preferences, values, prior directions, and best interests;

(h) Anything of more than de minimis value which the guardian, any individual who resides with the guardian, or the spouse, domestic partner, parent, child, or sibling of the guardian has received from an individual providing goods or services to the adult. A professional guardian must abide by the standards of practice regarding the acceptance of gifts;

(i) If the guardian delegated a power to an agent, the power delegated and the reason for the delegation;

(j) Any business relation the guardian has with a person the guardian has paid or that has benefited from the property of the adult;

(k) A copy of the guardian's most recently approved plan under section 317 of this act and a statement whether the guardian has deviated from the plan and, if so, how the guardian has deviated and why;

(l) Plans for future care and support of the adult;

(m) A recommendation as to the need for continued guardianship and any recommended change in the scope of the guardianship; and

(n) Whether any co-guardian or successor guardian appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a visitor to review a report submitted under this section or a guardian's plan submitted under section 317 of this act, interview the guardian or adult subject to guardianship, or investigate any other matter involving the guardianship.

(4) Notice of the filing under this section of a guardian's report, together with a copy of the report, must be given to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines. The notice and report must be given not later than fourteen days after the filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report to determine whether:

(a) The report provides sufficient information to establish the guardian has complied with the guardian's duties;

(b) The guardianship should continue; and

(c) The guardian's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a guardian for an adult has not complied with the guardian's duties or the guardianship should be modified or terminated, the court:

(a) Shall notify the adult, the guardian, and any other person entitled to notice under section 310(5) of this act or a subsequent order;

(b) May require additional information from the guardian;

(c) May appoint a visitor to interview the adult or guardian or investigate any matter involving the guardianship; and

(d) Consistent with sections 318 and 319 of this act, may hold a hearing to consider removal of the guardian, termination of the guardianship, or a change in the powers granted to the guardian or terms of the guardianship.

(7) If the court has reason to believe fees requested by a guardian for an adult are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A guardian for an adult must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review interval at annual, biennial, or triennial with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the guardian has been serving the person under guardianship; whether the guardian has timely filed all required reports with the court; whether the guardian is monitored by other state or local agencies; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the guardian.

(10) If the court approves a report filed under this section, the order approving the report shall contain a guardianship summary

or be accompanied by a guardianship summary in the form or substantially in the same form as set forth in section 606 of this act.

(11) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in section 605 of this act to the guardian containing an expiration date which will be within one hundred twenty days after the date the court directs the guardian file its next report.

(12) Any requirement to establish a monitoring program under this section is subject to appropriation.

NEW SECTION. Sec. 319. REMOVAL OF GUARDIAN FOR ADULT—APPOINTMENT OF SUCCESSOR. (1) The court may remove a guardian for an adult for failure to perform the guardian's duties or for other good cause and appoint a successor guardian to assume the duties of guardian.

(2) The court shall hold a hearing to determine whether to remove a guardian for an adult and appoint a successor guardian on:

(a) Petition of the adult, guardian, or person interested in the welfare of the adult, which contains allegations that, if true, would support a reasonable belief that removal of the guardian and appointment of a successor guardian may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(b) Communication from the adult, guardian, or person interested in the welfare of the adult which supports a reasonable belief that removal of the guardian and appointment of a successor guardian may be appropriate; or

(c) Determination by the court that a hearing would be in the best interest of the adult.

(3) Notice of a hearing under subsection (2)(a) of this section and notice of the adult subject to guardianship's right to be represented at the hearing by counsel of the individual's choosing must be given to the adult subject to guardianship, the guardian, and any other person the court determines.

(4) An adult subject to guardianship who seeks to remove the guardian and have a successor guardian appointed has the right to choose an attorney to represent the adult in this matter. The court shall award reasonable attorneys' fees to the attorney for the adult as provided in section 120 of this act.

(5) In selecting a successor guardian for an adult, the court shall follow the priorities under section 309 of this act.

(6) Not later than fourteen days after appointing a successor guardian, the successor guardian shall give notice of the appointment to the adult subject to guardianship and any person entitled to notice under section 310(5) of this act or a subsequent order.

NEW SECTION. Sec. 320. TERMINATION OR MODIFICATION OF GUARDIANSHIP FOR ADULT. (1) An adult subject to guardianship, the guardian for the adult, or a person interested in the welfare of the adult may petition for:

(a) Termination of the guardianship on the ground that a basis for appointment under section 301 of this act does not exist or termination would be in the best interest of the adult or for other good cause; or

(b) Modification of the guardianship on the ground that the extent of protection or assistance granted is not appropriate or for other good cause.

(2) The court shall hold a hearing to determine whether termination or modification of a guardianship for an adult is appropriate on:

(a) Petition under subsection (1) of this section that contains allegations that, if true, would support a reasonable belief that termination or modification of the guardianship may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(b) Communication from the adult, guardian, or person interested in the welfare of the adult which supports a reasonable belief that termination or modification of the guardianship may be appropriate, including because the functional needs of the adult or supports or services available to the adult have changed;

(c) A report from a guardian or conservator which indicates that termination or modification may be appropriate because the functional needs of the adult or supports or services available to the adult have changed or a protective arrangement instead of guardianship or other less restrictive alternative for meeting the adult's needs is available; or

(d) A determination by the court that a hearing would be in the best interest of the adult.

(3) Notice of a petition under subsection (2)(a) of this section must be given to the adult subject to guardianship, the guardian, and any other person the court determines.

(4) On presentation of prima facie evidence for termination of a guardianship for an adult, the court shall order termination unless it is proven that a basis for appointment of a guardian under section 301 of this act exists.

(5) The court shall modify the powers granted to a guardian for an adult if the powers are excessive or inadequate due to a change in the abilities or limitations of the adult, the adult's supports, or other circumstances.

(6) Unless the court otherwise orders for good cause, before terminating or modifying a guardianship for an adult, the court shall follow the same procedures to safeguard the rights of the adult which apply to a petition for guardianship.

(7) An adult subject to guardianship who seeks to terminate or modify the terms of the guardianship has the right to choose an attorney to represent the adult in the matter. The court shall award reasonable attorneys' fees to the attorney for the adult as provided in section 120 of this act.

**ARTICLE 4
CONSERVATORSHIP**

NEW SECTION. **Sec. 401.** BASIS FOR APPOINTMENT OF CONSERVATOR. (1) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of a minor if the court finds by a preponderance of evidence that appointment of a conservator is in the minor's best interest, and:

(a) If the minor has a parent, the court gives weight to any recommendation of the parent whether an appointment is in the minor's best interest; and

(b) Either:

(i) The minor owns funds or other property requiring management or protection that otherwise cannot be provided;

(ii) The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(iii) Appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor.

(2) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

(a) The adult is unable to manage property or financial affairs because:

(i) Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance, or supported decision making; or

(ii) The adult is missing, detained, or unable to return to the United States;

(b) Appointment is necessary to:

(i) Avoid harm to the adult or significant dissipation of the property of the adult; or

(ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and

(c) The respondent's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives.

(3) The court shall grant a conservator only those powers necessitated by demonstrated limitations and needs of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full conservatorship if a limited conservatorship, protective arrangement instead of conservatorship, or other less restrictive alternative would meet the needs of the respondent.

NEW SECTION. **Sec. 402.** PETITION FOR APPOINTMENT OF CONSERVATOR. (1) The following may petition for the appointment of a conservator:

(a) The individual for whom the order is sought;

(b) A person interested in the estate, financial affairs, or welfare of the individual, including a person that would be adversely affected by lack of effective management of property or financial affairs of the individual; or

(c) The guardian for the individual.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period before the filing of the petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship during the two years immediately before the filing of the petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for the care or custody of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) The representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) The fiduciary appointed for the respondent by the department of veterans affairs;

(vii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(viii) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(ix) A person known to have routinely assisted the respondent with decision making in the six-month period immediately before the filing of the petition;

(x) Any proposed conservator, including a person nominated by the respondent, if the respondent is twelve years of age or older; and

(xi) If the individual for whom a conservator is sought is a minor:

(A) An adult not otherwise listed with whom the minor resides; and

(B) Each person not otherwise listed that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(d) A general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts;

(e) The reason conservatorship is necessary, including a brief description of:

(i) The nature and extent of the respondent's alleged need;

(ii) If the petition alleges the respondent is missing, detained, or unable to return to the United States, the relevant circumstances, including the time and nature of the disappearance or detention and any search or inquiry concerning the respondent's whereabouts;

(iii) Any protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;

(iv) If no protective arrangement or other less restrictive alternatives have been considered or implemented, the reason it has not been considered or implemented; and

(v) The reason a protective arrangement or other less restrictive alternative is insufficient to meet the respondent's need;

(f) Whether the petitioner seeks a limited conservatorship or a full conservatorship;

(g) If the petitioner seeks a full conservatorship, the reason a limited conservatorship or protective arrangement instead of conservatorship is not appropriate;

(h) If the petition includes the name of a proposed conservator, the reason the proposed conservator should be appointed;

(i) If the petition is for a limited conservatorship, a description of the property to be placed under the conservator's control and any requested limitation on the authority of the conservator;

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings; and

(k) The name and address of an attorney representing the petitioner, if any.

NEW SECTION. Sec. 403. NOTICE AND HEARING FOR APPOINTMENT OF CONSERVATOR. (1) All petitions filed under section 402 of this act for appointment of a conservator shall be heard within sixty days unless an extension of time is requested by a party or the visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2) A copy of a petition under section 402 of this act and notice of a hearing on the petition must be served personally on the respondent and the visitor appointed under section 405 of this act

not more than five court days after the petition under section 402 of this act has been filed. If the respondent's whereabouts are unknown or personal service cannot be made, service on the respondent must be made by publication. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition. The court may not grant a petition for appointment of a conservator if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under section 402 of this act, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under section 402(2) (a) through (c) of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from appointing a conservator.

(4) After the appointment of a conservator, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

(a) The individual subject to conservatorship, if the individual is twelve years of age or older and not missing, detained, or unable to return to the United States;

(b) The conservator; and

(c) Any other person the court determines.

NEW SECTION. Sec. 404. ORDER TO PRESERVE OR APPLY PROPERTY WHILE PROCEEDING PENDING. While a petition under section 402 of this act is pending, after preliminary hearing and without notice to others, the court may issue an order to preserve and apply property of the respondent as required for the support of the respondent or an individual who is in fact dependent on the respondent. The court may appoint a special agent to assist in implementing the order.

NEW SECTION. Sec. 405. APPOINTMENT AND ROLE OF VISITOR. (1) If the respondent in a proceeding to appoint a conservator is a minor, the court may appoint a visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(2) If the respondent in a proceeding to appoint a conservator is an adult, the court shall appoint a visitor. The duties and reporting requirements of the visitor are limited to the relief requested in the petition. The visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(3) The court, in the order appointing visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the visitor may charge without additional court review and approval.

(4)(a) The visitor appointed under subsection (1) or (2) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under section 116 of this act with a statement including: His or her training relating to the duties as a visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
- (ii) An hourly rate higher than what is reasonable for the particular proceeding; or

(iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the visitor and all parties. If, after a hearing, the court enters an order replacing the visitor, findings shall be included, expressly stating the reasons for the removal. If the visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(5) A visitor appointed under subsection (2) of this section for an adult shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a conservator;

(b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed conservator, the conservator's proposed powers and duties, and the scope and duration of the proposed conservatorship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets.

(6) A visitor appointed under subsection (2) of this section for an adult shall:

(a) Interview the petitioner and proposed conservator, if any;

(b) Review financial records of the respondent, if relevant to the visitor's recommendation under subsection (7)(b) of this section;

(c) Investigate whether the respondent's needs could be met by a protective arrangement instead of conservatorship or other less restrictive alternative and, if so, identify the arrangement or other less restrictive alternative; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A visitor appointed under subsection (2) of this section for an adult shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under section 116 of this act at least fifteen days prior to the hearing on the petition filed under section 402 of this act, which must include:

(a) A recommendation:

(i) Regarding the appropriateness of conservatorship, or whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;

(ii) If a conservatorship is recommended, whether it should be full or limited;

(iii) If a limited conservatorship is recommended, the powers to be granted to the conservator, and the property that should be placed under the conservator's control; and

(iv) If a conservatorship is recommended, the amount of the bond or other verified receipt needed under sections 416 and 417 of this act;

(b) A statement of the qualifications of the proposed conservator and whether the respondent approves or disapproves of the proposed conservator;

(c) A recommendation whether a professional evaluation under section 407 of this act is necessary;

(d) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(e) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of

support that would enhance the respondent's ability to participate; and

(f) Any other matter the court directs.

NEW SECTION. Sec. 406. APPOINTMENT AND ROLE OF ATTORNEY. (1) Unless the respondent in a proceeding for appointment of a conservator is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay.

(2) An attorney representing the respondent in a proceeding for appointment of a conservator shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 402 of this act if:

(a) The parent objects to appointment of a conservator;

(b) The court determines that counsel is needed to ensure that consent to appointment of a conservator is informed; or

(c) The court otherwise determines the parent needs representation.

NEW SECTION. Sec. 407. PROFESSIONAL EVALUATION. (1) At or before a hearing on a petition for conservatorship for an adult, the court shall order a professional evaluation of the respondent:

(a) If the respondent requests the evaluation; or

(b) In other cases, unless the court finds it has sufficient information to determine the respondent's needs and abilities without the evaluation.

(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, or advanced registered nurse practitioner licensed under chapter 18.79 RCW selected by the visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file a report in a record with the court. Unless otherwise directed by the court, the report must contain:

(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations with regard to the management of the respondent's property and financial affairs;

(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(c) A prognosis for improvement with regard to the ability to manage the respondent's property and financial affairs; and

(d) The date of the examination on which the report is based.

(3) A respondent may decline to participate in an evaluation ordered under subsection (1) of this section.

NEW SECTION. Sec. 408. ATTENDANCE AND RIGHTS AT HEARING. (1) Except as otherwise provided in subsection (2) of this section, a hearing under section 403 of this act may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative

location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under section 403 of this act may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so;

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services or technological assistance; or

(c) The respondent is a minor who has received proper notice and attendance would be harmful to the minor.

(3) The respondent may be assisted in a hearing under section 403 of this act by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under section 403 of this act.

(5) At a hearing under section 403 of this act, the respondent may:

- (a) Present evidence and subpoena witnesses and documents;
- (b) Examine witnesses, including any court-appointed evaluator and the visitor; and
- (c) Otherwise participate in the hearing.

(6) Unless excused by the court for good cause, a proposed conservator shall attend a hearing under section 403 of this act.

(7) A hearing under section 403 of this act must be closed on request of the respondent and a showing of good cause.

(8) Any person may request to participate in a hearing under section 403 of this act. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 409. CONFIDENTIALITY OF RECORDS. (1) The existence of a proceeding for or the existence of conservatorship is a matter of public record unless the court seals the record after:

(a) The respondent, the individual subject to conservatorship, or the parent of a minor subject to conservatorship requests the record be sealed; and

(b) Either:

- (i) The petition for conservatorship is dismissed; or
- (ii) The conservatorship is terminated.

(2) An individual subject to a proceeding for a conservatorship, whether or not a conservator is appointed, an attorney designated by the individual, and a person entitled to notice under section 411(6) of this act or a subsequent order may access court records of the proceeding and resulting conservatorship, including the conservator's plan under section 419 of this act and the conservator's report under section 423 of this act. A person not otherwise entitled access to court records under this section for good cause may petition the court for access to court records of the conservatorship, including the conservator's plan and report. The court shall grant access if access is in the best interest of the respondent or individual subject to conservatorship or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(3) A report under section 405 of this act of a visitor or professional evaluation under section 407 of this act is confidential and must be sealed on filing, but is available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;

(d) Unless the court directs otherwise, an agent appointed under a power of attorney for finances in which the respondent is identified as the principal; and

(e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

NEW SECTION. Sec. 410. WHO MAY BE CONSERVATOR—ORDER OF PRIORITY. (1) Except as otherwise provided in subsection (3) of this section, the court in appointing a conservator shall consider persons qualified to be a conservator in the following order of priority:

(a) A conservator, other than a temporary or emergency conservator, currently acting for the respondent in another jurisdiction;

(b) A person nominated as conservator by the respondent, including the respondent's most recent nomination made in a power of attorney for finances;

(c) An agent appointed by the respondent to manage the respondent's property under a power of attorney for finances;

(d) A spouse or domestic partner of the respondent;

(e) A relative or other individual who has shown special care and concern for the respondent; and

(f) A certified professional guardian or conservator or other entity the court determines is suitable.

(2) If two or more persons have equal priority under subsection (1) of this section, the court shall select as conservator the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a conservator successfully.

(3) The court, acting in the best interest of the respondent, may decline to appoint as conservator a person having priority under subsection (1) of this section and appoint a person having a lower priority or no priority.

(4) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, domestic partner, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as conservator unless:

(a) The individual is related to the respondent by blood, marriage, or adoption; or

(b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(5) An owner, operator, or employee of a long-term care facility at which the respondent is receiving care may not be appointed as conservator unless the owner, operator, or employee is related to the respondent by blood, marriage, or adoption.

NEW SECTION. Sec. 411. ORDER OF APPOINTMENT OF CONSERVATOR. (1) A court order appointing a conservator for a minor must include findings to support appointment of a conservator and, if a full conservatorship is granted, the reason a limited conservatorship would not meet the identified needs of the minor.

(2) A court order appointing a conservator for a minor may dispense with the requirement for the conservator to file reports with the court under section 423 of this act if all the property of

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the minor subject to the conservatorship is protected by a verified receipt.

(3) A court order appointing a conservator for an adult must:

(a) Include a specific finding that clear and convincing evidence has established that the identified needs of the respondent cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives, including use of appropriate supportive services, technological assistance, or supported decision making; and

(b) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition.

(4) A court order establishing a full conservatorship for an adult must state the basis for granting a full conservatorship and include specific findings to support the conclusion that a limited conservatorship would not meet the functional needs of the adult.

(5) A court order establishing a limited conservatorship must state the specific property placed under the control of the conservator and the powers granted to the conservator.

(6) The court, as part of an order establishing a conservatorship, shall identify any person that subsequently is entitled to:

(a) Notice of the rights of the individual subject to conservatorship under section 412(2) of this act;

(b) Notice of a sale of or surrender of a lease to the primary dwelling of the individual;

(c) Notice that the conservator has delegated a power that requires court approval under section 414 of this act or substantially all powers of the conservator;

(d) Notice that the conservator will be unavailable to perform the conservator's duties for more than one month;

(e) A copy of the conservator's plan under section 419 of this act and the conservator's report under section 423 of this act;

(f) Access to court records relating to the conservatorship;

(g) Notice of a transaction involving a substantial conflict between the conservator's fiduciary duties and personal interests;

(h) Notice of the death or significant change in the condition of the individual;

(i) Notice that the court has limited or modified the powers of the conservator; and

(j) Notice of the removal of the conservator.

(7) If an individual subject to conservatorship is an adult, the spouse, domestic partner, and adult children of the adult subject to conservatorship are entitled under subsection (6) of this section to notice unless the court determines notice would be contrary to the preferences or prior directions of the adult subject to conservatorship or not in the best interest of the adult.

(8) If an individual subject to conservatorship is a minor, each parent and adult sibling of the minor is entitled under subsection (6) of this section to notice unless the court determines notice would not be in the best interest of the minor.

(9) All orders establishing a conservatorship for an adult must contain:

(a) A conservatorship summary placed directly below the case caption or on a separate cover page in the form or substantially the same form as set forth in section 606 of this act;

(b) The date which the limited conservator or conservator must file the conservator's plan under section 419 of this act;

(c) The date which the limited conservator or conservator must file an inventory under section 420 of this act;

(d) The date by which the court will review the conservator's plan as required by section 419 of this act;

(e) The report interval which the conservator must file its report under section 423 of this act. The report interval may be annual, biennial, or triennial;

(f) The date the limited conservator or conservator must file its report under section 423 of this act. The due date of the filing of the report shall be within ninety days after the anniversary date of the appointment;

(g) The date for the court to review the report under section 423 of this act and enter its order. The court shall conduct the review within one hundred twenty days after the anniversary date of the appointment.

NEW SECTION. Sec. 412. NOTICE OF ORDER OF APPOINTMENT—RIGHTS. (1) A conservator appointed under section 411 of this act shall give to the individual subject to conservatorship and to all other persons given notice under section 403 of this act a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.

(2) Not later than thirty days after appointment of a conservator under section 411 of this act, the conservator shall give to the individual subject to conservatorship and any other person entitled to notice under section 411(6) of this act a statement of the rights of the individual subject to conservatorship and procedures to seek relief if the individual is denied those rights. The statement must be in plain language, in at least sixteen-point font, and to the extent feasible, in a language in which the individual subject to conservatorship is proficient. The statement must notify the individual subject to conservatorship of the right to:

(a) Seek termination or modification of the conservatorship, or removal of the conservator, and choose an attorney to represent the individual in these matters;

(b) Participate in decision making to the extent reasonably feasible;

(c) Receive a copy of the conservator's plan under section 419 of this act, the conservator's inventory under section 420 of this act, and the conservator's report under section 423 of this act; and

(d) Object to the conservator's inventory, plan, or report.

(3) If a conservator is appointed for the reasons stated in section 401(2)(a)(ii) of this act and the individual subject to conservatorship is missing, notice under this section to the individual is not required.

NEW SECTION. Sec. 413. EMERGENCY CONSERVATOR. (1) On its own or on petition by a person interested in an individual's welfare after a petition has been filed under section 402 of this act, the court may appoint an emergency conservator for the individual if the court finds:

(a) Appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;

(b) No other person appears to have authority and willingness to act in the circumstances; and

(c) There is reason to believe that a basis for appointment of a conservator under section 401 of this act exists.

(2) The duration of authority of an emergency conservator may not exceed sixty days and the emergency conservator may exercise only the powers specified in the order of appointment. The emergency conservator's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency conservator under subsection (1) of this section continue.

(3) Immediately on filing of a petition for an emergency conservator, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on the petition must be given to the

respondent, the respondent's attorney, and any other person the court determines.

(4) The court may appoint an emergency conservator without notice to the respondent and any attorney for the respondent only if the court finds from an affidavit or testimony that the respondent's property or financial interests will be substantially and irreparably harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency conservator without giving notice under subsection (3) of this section, the court must give notice of the appointment not later than forty-eight hours after the appointment to:

- (a) The respondent;
- (b) The respondent's attorney; and
- (c) Any other person the court determines.

(5) Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(6) Appointment of an emergency conservator under this section is not a determination that a basis exists for appointment of a conservator under section 401 of this act.

(7) The court may remove an emergency conservator appointed under this section at any time. The emergency conservator shall make any report the court requires.

NEW SECTION. Sec. 414. POWERS OF CONSERVATOR REQUIRING COURT APPROVAL. (1) Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice under section 403(4) of this act and receive specific authorization by the court before the conservator may exercise with respect to the conservatorship the power to:

- (a) Make a gift, except a gift of de minimis value;
- (b) Sell, encumber an interest in, or surrender a lease to the primary dwelling of the individual subject to conservatorship;
- (c) Convey, release, or disclaim a contingent or expectant interest in property, including marital property and any right of survivorship incident to joint tenancy or tenancy by the entireties;
- (d) Exercise or release a power of appointment;
- (e) Create a revocable or irrevocable trust of property of the conservatorship estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the individual subject to conservatorship;
- (f) Exercise a right to elect an option or change a beneficiary under an insurance policy or annuity or surrender the policy or annuity for its cash value;
- (g) Exercise a right to an elective share in the estate of a deceased spouse or domestic partner of the individual subject to conservatorship or renounce or disclaim a property interest;
- (h) Grant a creditor priority for payment over creditors of the same or higher class if the creditor is providing property or services used to meet the basic living and care needs of the individual subject to conservatorship and preferential treatment otherwise would be impermissible under section 428(5) of this act; and

(i) Make, modify, amend, or revoke the will of the individual subject to conservatorship in compliance with chapter 11.12 RCW.

(2) In approving a conservator's exercise of a power listed in subsection (1) of this section, the court shall consider primarily the decision the individual subject to conservatorship would make if able, to the extent the decision can be ascertained.

(3) To determine under subsection (2) of this section the decision the individual subject to conservatorship would make if able, the court shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator. The court also shall consider:

(a) The financial needs of the individual subject to conservatorship and individuals who are in fact dependent on the individual subject to conservatorship for support, and the interests of creditors of the individual;

(b) Possible reduction of income, estate, inheritance, or other tax liabilities;

(c) Eligibility for governmental assistance;

(d) The previous pattern of giving or level of support provided by the individual;

(e) Any existing estate plan or lack of estate plan of the individual;

(f) The life expectancy of the individual and the probability the conservatorship will terminate before the individual's death; and

(g) Any other relevant factor.

(4) A conservator may not revoke or amend a power of attorney for finances executed by the individual subject to conservatorship. If a power of attorney for finances is in effect, a decision of the agent takes precedence over that of the conservator, unless the court orders otherwise.

NEW SECTION. Sec. 415. PETITION FOR ORDER AFTER APPOINTMENT. An individual subject to conservatorship or a person interested in the welfare of the individual may petition for an order:

(1) Requiring the conservator to furnish a bond or collateral or additional bond or collateral or allowing a reduction in a bond or collateral previously furnished;

(2) Requiring an accounting for the administration of the conservatorship estate;

(3) Directing distribution;

(4) Removing the conservator and appointing a temporary or successor conservator;

(5) Modifying the type of appointment or powers granted to the conservator, if the extent of protection or management previously granted is excessive or insufficient to meet the individual's needs, including because the individual's abilities or supports have changed;

(6) Rejecting or modifying the conservator's plan under section 419 of this act, the conservator's inventory under section 420 of this act, or the conservator's report under section 423 of this act; or

(7) Granting other appropriate relief.

NEW SECTION. Sec. 416. BOND—ALTERNATIVE VERIFIED RECEIPT. (1) Except as otherwise provided in subsections (3) and (4) of this section, the court shall require a conservator to furnish a bond with a surety the court specifies, or require a verified receipt, conditioned on faithful discharge of all duties of the conservator. The court may waive the requirement only if the court finds that a bond or other verified receipt is not necessary to protect the interests of the individual subject to conservatorship. Except as otherwise provided in subsections (3) and (4) of this section, the court may not waive the requirement if the conservator is in the business of serving as a conservator and is being paid for the conservator's service.

(2) Unless the court directs otherwise, the bond required under this section must be in the amount of the aggregate capital value of the conservatorship estate, plus the estimated income for the accounting and report review interval, less the value of property deposited under a verified receipt requiring a court order for its removal and real property the conservator lacks power to sell or convey without specific court authorization. The court, in place of surety on a bond, may accept collateral for the performance of the bond, including a pledge of securities or a mortgage of real property.

(3) A regulated financial institution qualified to do trust business in this state is not required to give a bond under this section.

(4) In all conservatorships where the person subject to conservatorship has total assets of a value of less than three thousand dollars, the court may dispense with the requirement of a bond: PROVIDED, That the conservator swears to report to the court any changes in the total assets of the person subject to conservatorship increasing their value to over three thousand dollars: PROVIDED FURTHER, That the conservator files a yearly statement showing the monthly income of the person subject to conservatorship if such monthly income, excluding moneys from state or federal benefits, is over the sum of five hundred dollars per month for any three consecutive months.

NEW SECTION. **Sec. 417. TERMS AND REQUIREMENTS OF BOND.** (1) The following rules apply to the bond required under section 416 of this act:

(a) Except as otherwise provided by the bond, the surety and the conservator are jointly and severally liable.

(b) By executing a bond provided by a conservator, the surety submits to the personal jurisdiction of the court that issued letters of office to the conservator in a proceeding relating to the duties of the conservator in which the surety is named as a party. Notice of the proceeding must be given to the surety at the address shown in the records of the court in which the bond is filed and any other address of the surety then known to the person required to provide the notice.

(c) On petition of a successor conservator or person affected by a breach of the obligation of the bond, a proceeding may be brought against the surety for breach of the obligation of the bond.

(d) A proceeding against the bond may be brought until liability under the bond is exhausted.

(2) A proceeding may not be brought under this section against a surety of a bond on a matter as to which a proceeding against the conservator is barred.

(3) If a bond under section 416 of this act is not renewed by the conservator, the surety or sureties immediately shall give notice to the court and the individual subject to conservatorship.

NEW SECTION. **Sec. 418. DUTIES OF CONSERVATOR.** (1) A conservator is a fiduciary and has duties of prudence and loyalty to the individual subject to conservatorship.

(2) A conservator shall promote the self-determination of the individual subject to conservatorship and, to the extent feasible, encourage the individual to participate in decisions, act on the individual's own behalf, and develop or regain the capacity to manage the individual's personal affairs.

(3) In making a decision for an individual subject to conservatorship, the conservator shall make the decision the conservator reasonably believes the individual would make if able, unless doing so would fail to preserve the resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual. To determine the decision the individual would make if able, the conservator shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator.

(4) If a conservator cannot make a decision under subsection (3) of this section because the conservator does not know and cannot reasonably determine the decision the individual subject to conservatorship probably would make if able, or the conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the

individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual, the conservator shall act in accordance with the best interests of the individual. In determining the best interests of the individual, the conservator shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the individual;

(b) Other information the conservator believes the individual would have considered if the individual were able to act; and

(c) Other factors a reasonable person in the circumstances of the individual would consider, including consequences for others.

(5) Except when inconsistent with the conservator's duties under subsections (1) through (4) of this section, a conservator shall invest and manage the conservatorship estate as a prudent investor would, by considering:

(a) The circumstances of the individual subject to conservatorship and the conservatorship estate;

(b) General economic conditions;

(c) The possible effect of inflation or deflation;

(d) The expected tax consequences of an investment decision or strategy;

(e) The role of each investment or course of action in relation to the conservatorship estate as a whole;

(f) The expected total return from income and appreciation of capital;

(g) The need for liquidity, regularity of income, and preservation or appreciation of capital; and

(h) The special relationship or value, if any, of specific property to the individual subject to conservatorship.

(6) The propriety of a conservator's investment and management of the conservatorship estate is determined in light of the facts and circumstances existing when the conservator decides or acts and not by hindsight.

(7) A conservator shall make a reasonable effort to verify facts relevant to the investment and management of the conservatorship estate.

(8) A conservator that has special skills or expertise, or is named conservator in reliance on the conservator's representation of special skills or expertise, has a duty to use the special skills or expertise in carrying out the conservator's duties.

(9) In investing, selecting specific property for distribution, and invoking a power of revocation or withdrawal for the use or benefit of the individual subject to conservatorship, a conservator shall consider any estate plan of the individual known or reasonably ascertainable to the conservator and may examine the will or other donative, nominative, or appointive instrument of the individual.

(10) A conservator shall maintain insurance on the insurable real and personal property of the individual subject to conservatorship, unless the conservatorship estate lacks sufficient funds to pay for insurance or the court finds:

(a) The property lacks sufficient equity; or

(b) Insuring the property would unreasonably dissipate the conservatorship estate or otherwise not be in the best interest of the individual.

(11) If a power of attorney for finances is in effect, a conservator shall cooperate with the agent to the extent feasible.

(12) A conservator has access to and authority over a digital asset of the individual subject to conservatorship to the extent provided by the revised uniform fiduciary access to digital assets act (chapter 11.120 RCW) or court order.

(13) A conservator for an adult shall notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed. The notice must be given immediately on learning of the change.

(14) A conservator shall notify the court within thirty days of any substantial change in the value of the property of the person subject to conservatorship and shall provide a copy of the notice to the person subject to guardianship, a person entitled to notice under section 403 of this act or a subsequent order, and any other person the court has determined is entitled to notice and schedule a hearing for the court to review the adequacy of the bond or other verified receipt under sections 416 and 417 of this act.

NEW SECTION. Sec. 419. CONSERVATOR'S PLAN.
 (1) A conservator, not later than ninety days after appointment, shall file with the court a plan for protecting, managing, expanding, and distributing the assets of the conservatorship estate. The plan must be based on the needs of the individual subject to conservatorship and take into account the best interest of the individual as well as the individual's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the conservator. The conservator shall include in the plan:

- (a) A budget containing projected expenses and resources, including an estimate of the total amount of fees the conservator anticipates charging per year and a statement or list of the amount the conservator proposes to charge for each service the conservator anticipates providing to the individual;
- (b) How the conservator will involve the individual in decisions about management of the conservatorship estate;
- (c) Any step the conservator plans to take to develop or restore the ability of the individual to manage the conservatorship estate; and
- (d) An estimate of the duration of the conservatorship.

(2) A conservator shall give notice of the filing of the conservator's plan under subsection (1) of this section, together with a copy of the plan, to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and any other person the court determines. The notice must include a statement of the right to object to the plan and be given not later than fourteen days after the filing.

(3) An individual subject to conservatorship and any person entitled under subsection (2) of this section to receive notice and a copy of the conservator's plan may object to the plan.

(4) The court shall review the conservator's plan filed under subsection (1) of this section and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (3) of this section and whether the plan is consistent with the conservator's duties and powers. The court may not approve the plan until thirty days after its filing.

(5) After a conservator's plan under this section is approved by the court, the conservator shall provide a copy of the plan to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and any other person the court determines.

NEW SECTION. Sec. 420. INVENTORY—RECORDS.
 (1) Not later than sixty days after appointment, a conservator shall prepare and file with the appointing court a detailed inventory of the conservatorship estate, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits.

(2) A conservator shall give notice of the filing of an inventory to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and any other person the court determines. The notice must be given not later than fourteen days after the filing.

(3) A conservator shall keep records of the administration of the conservatorship estate and make them available for examination on reasonable request of the individual subject to conservatorship, a guardian for the individual, or any other person the conservator or the court determines.

NEW SECTION. Sec. 421. ADMINISTRATIVE POWERS OF CONSERVATOR NOT REQUIRING COURT APPROVAL. (1) Except as otherwise provided in section 414 of this act or qualified or limited in the court's order of appointment and stated in the letters of office, a conservator has all powers granted in this section and any additional power granted to a trustee by law of this state other than this chapter.

(2) A conservator, acting reasonably and consistent with the fiduciary duties of the conservator to accomplish the purpose of the conservatorship, without specific court authorization or confirmation, may with respect to the conservatorship estate:

- (a) Collect, hold, and retain property, including property in which the conservator has a personal interest and real property in another state, until the conservator determines disposition of the property should be made;
- (b) Receive additions to the conservatorship estate;
- (c) Continue or participate in the operation of a business or other enterprise;
- (d) Acquire an undivided interest in property in which the conservator, in a fiduciary capacity, holds an undivided interest;
- (e) Invest assets;
- (f) Deposit funds or other property in a financial institution, including one operated by the conservator;
- (g) Acquire or dispose of property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon property;
- (h) Make ordinary or extraordinary repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new party wall or building;
- (i) Subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration, and dedicate an easement to public use without consideration;
- (j) Enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term within or extending beyond the term of the conservatorship;
- (k) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or a pooling or unitization agreement;
- (l) Grant an option involving disposition of property or accept or exercise an option for the acquisition of property;
- (m) Vote a security, in person or by general or limited proxy;
- (n) Pay a call, assessment, or other sum chargeable or accruing against or on account of a security;
- (o) Sell or exercise a stock subscription or conversion right;
- (p) Consent, directly or through a committee or agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;
- (q) Hold a security in the name of a nominee or in other form without disclosure of the conservatorship so that title to the security may pass by delivery;
- (r) Insure:
 - (i) The conservatorship estate, in whole or in part, against damage or loss in accordance with section 418(10) of this act; and
 - (ii) The conservator against liability with respect to a third person;
- (s) Borrow funds, with or without security, to be repaid from the conservatorship estate or otherwise;

(t) Advance funds for the protection of the conservatorship estate or the individual subject to conservatorship and all expenses, losses, and liability sustained in the administration of the conservatorship estate or because of holding any property for which the conservator has a lien on the conservatorship estate;

(u) Pay or contest a claim, settle a claim by or against the conservatorship estate or the individual subject to conservatorship by compromise, arbitration, or otherwise, or release, in whole or in part, a claim belonging to the conservatorship estate to the extent the claim is uncollectible;

(v) Pay a tax, assessment, compensation of the conservator or any guardian, and other expense incurred in the collection, care, administration, and protection of the conservatorship estate;

(w) Pay a sum distributable to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship by paying the sum to the distributee or for the use of the distributee:

(i) To the guardian for the distributee;

(ii) To the custodian of the distributee under the uniform transfers to minors act (chapter 11.114 RCW); or

(iii) If there is no guardian, custodian, or custodial trustee, to a relative or other person having physical custody of the distributee;

(x) Bring or defend an action, claim, or proceeding in any jurisdiction for the protection of the conservatorship estate or the conservator in the performance of the conservator's duties;

(y) Structure the finances of the individual subject to conservatorship to establish eligibility for a public benefit, including by making gifts consistent with the individual's preferences, values, and prior directions, if the conservator's action does not jeopardize the individual's welfare and otherwise is consistent with the conservator's duties; and

(z) Execute and deliver any instrument that will accomplish or facilitate the exercise of a power of the conservator.

NEW SECTION. Sec. 422. DISTRIBUTION FROM CONSERVATORSHIP ESTATE. Except as otherwise provided in section 414 of this act or qualified or limited in the court's order of appointment and stated in the letters of office, and unless contrary to a conservator's plan under section 419 of this act, the conservator may expend or distribute income or principal of the conservatorship estate without specific court authorization or confirmation for the support, care, education, health, or welfare of the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship, including the payment of child or spousal support, in accordance with the following rules:

(1) The conservator shall consider a recommendation relating to the appropriate standard of support, care, education, health, or welfare for the individual subject to conservatorship or individual who is dependent on the individual subject to conservatorship, made by a guardian for the individual subject to conservatorship, if any, and, if the individual subject to conservatorship is a minor, a recommendation made by a parent of the minor.

(2) The conservator acting in compliance with the conservator's duties under section 418 of this act is not liable for an expenditure or distribution made based on a recommendation under subsection (1) of this section unless the conservator knows the expenditure or distribution is not in the best interest of the individual subject to conservatorship.

(3) In making an expenditure or distribution under this section, the conservator shall consider:

(a) The size of the conservatorship estate, the estimated duration of the conservatorship, and the likelihood the individual subject to conservatorship, at some future time, may be fully self-sufficient and able to manage the individual's financial affairs and the conservatorship estate;

(b) The accustomed standard of living of the individual subject to conservatorship and individual who is dependent on the individual subject to conservatorship;

(c) Other funds or source used for the support of the individual subject to conservatorship; and

(d) The preferences, values, and prior directions of the individual subject to conservatorship.

(4) Funds expended or distributed under this section may be paid by the conservator to any person, including the individual subject to conservatorship, as reimbursement for expenditures the conservator might have made, or in advance for services to be provided to the individual subject to conservatorship or individual who is dependent on the individual subject to conservatorship if it is reasonable to expect the services will be performed and advance payment is customary or reasonably necessary under the circumstances.

NEW SECTION. Sec. 423. CONSERVATOR'S REPORT AND ACCOUNTING—MONITORING. (1) A conservator shall file with the court by the date established by the court a report in a record regarding the administration of the conservatorship estate unless the court otherwise directs, on resignation or removal, on termination of the conservatorship, and at any other time the court directs.

(2) A report under subsection (1) of this section must state or contain:

(a) An accounting that lists property included in the conservatorship estate and the receipts, disbursements, liabilities, and distributions during the period for which the report is made;

(b) A list of the services provided to the individual subject to conservatorship;

(c) A copy of the conservator's most recently approved plan and a statement whether the conservator has deviated from the plan and, if so, how the conservator has deviated and why;

(d) A recommendation as to the need for continued conservatorship and any recommended change in the scope of the conservatorship;

(e) To the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts, and mortgages or other debts of the individual subject to conservatorship with all but the last four digits of the account numbers and social security number redacted;

(f) Anything of more than de minimis value which the conservator, any individual who resides with the conservator, or the spouse, domestic partner, parent, child, or sibling of the conservator has received from a person providing goods or services to the individual subject to conservatorship;

(g) Any business relation the conservator has with a person the conservator has paid or that has benefited from the property of the individual subject to conservatorship; and

(h) Whether any co-conservator or successor conservator appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a visitor to review a report under this section or conservator's plan under section 419 of this act, interview the individual subject to conservatorship or conservator, or investigate any other matter involving the conservatorship. In connection with the report, the court may order the conservator to submit the conservatorship estate to appropriate examination in a manner the court directs.

(4) Notice of the filing under this section of a conservator's report, together with a copy of the report, must be provided to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and other

persons the court determines. The notice and report must be given not later than fourteen days after filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report at least annually to determine whether:

(a) The reports provide sufficient information to establish the conservator has complied with the conservator's duties;

(b) The conservatorship should continue; and

(c) The conservator's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a conservator has not complied with the conservator's duties or the conservatorship should not continue, the court:

(a) Shall notify the individual subject to conservatorship, the conservator, and any other person entitled to notice under section 411(6) of this act or a subsequent order;

(b) May require additional information from the conservator;

(c) May appoint a visitor to interview the individual subject to conservatorship or conservator or investigate any matter involving the conservatorship; and

(d) Consistent with sections 430 and 431 of this act, may hold a hearing to consider removal of the conservator, termination of the conservatorship, or a change in the powers granted to the conservator or terms of the conservatorship.

(7) If the court has reason to believe fees requested by a conservator are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A conservator must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) An order, after notice and hearing, approving an interim report of a conservator filed under this section adjudicates liabilities concerning a matter adequately disclosed in the report, as to a person given notice of the report or accounting.

(10) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review at annual, biennial, or triennial intervals with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the conservator has been serving the person under conservatorship; whether the conservator has timely filed all required reports with the court; whether the conservator is monitored by other state or local agencies; the income of the person subject to conservatorship; the value of the property of the person subject to conservatorship; the adequacy of the bond and other verified receipt; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the conservator.

(11) If the court approves a report filed under this section, the order approving the report shall contain a conservatorship summary or accompanied by a conservatorship summary in the form or substantially in the same form as set forth in section 606 of this act.

(12) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in section 605 of this act to the conservator containing an expiration date which will be within one hundred twenty days after the date the court directs the conservator file its next report.

(13) An order, after notice and hearing, approving a final report filed under this section discharges the conservator from all liabilities, claims, and causes of action by a person given notice

of the report and the hearing as to a matter adequately disclosed in the report.

(14) Any requirement to establish a monitoring program under this section is subject to appropriation.

NEW SECTION. Sec. 424. ATTEMPTED TRANSFER OF PROPERTY BY INDIVIDUAL SUBJECT TO CONSERVATORSHIP. (1) The interest of an individual subject to conservatorship in property included in the conservatorship estate is not transferable or assignable by the individual and is not subject to levy, garnishment, or similar process for claims against the individual unless allowed under section 428 of this act.

(2) If an individual subject to conservatorship enters into a contract after having the right to enter the contract removed by the court, the contract is void against the individual and the individual's property but is enforceable against the person that contracted with the individual.

(3) A person other than the conservator that deals with an individual subject to conservatorship with respect to property included in the conservatorship estate is entitled to protection provided by law of this state other than this chapter.

NEW SECTION. Sec. 425. TRANSACTION INVOLVING CONFLICT OF INTEREST. A transaction involving a conservatorship estate which is affected by a substantial conflict between the conservator's fiduciary duties and personal interests is voidable unless the transaction is authorized by court order after notice to persons entitled to notice under section 411(6) of this act or a subsequent order. A transaction affected by a substantial conflict includes a sale, encumbrance, or other transaction involving the conservatorship estate entered into by the conservator, an individual with whom the conservator resides, the spouse, domestic partner, descendant, sibling, agent, or attorney of the conservator, or a corporation or other enterprise in which the conservator has a substantial beneficial interest.

NEW SECTION. Sec. 426. PROTECTION OF PERSON DEALING WITH CONSERVATOR. (1) A person that assists or deals with a conservator in good faith and for value in any transaction, other than a transaction requiring a court order under section 414 of this act, is protected as though the conservator properly exercised any power in question. Knowledge by a person that the person is dealing with a conservator alone does not require the person to inquire into the existence of authority of the conservator or the propriety of the conservator's exercise of authority, but restrictions on authority stated in letters of office, or otherwise provided by law, are effective as to the person. A person that pays or delivers property to a conservator is not responsible for proper application of the property.

(2) Protection under subsection (1) of this section extends to a procedural irregularity or jurisdictional defect in the proceeding leading to the issuance of letters of office and does not substitute for protection for a person that assists or deals with a conservator provided by comparable provisions in law of this state other than this chapter relating to a commercial transaction or simplifying a transfer of securities by a fiduciary.

NEW SECTION. Sec. 427. DEATH OF INDIVIDUAL SUBJECT TO CONSERVATORSHIP. (1) If an individual subject to conservatorship dies, the conservator shall deliver to the court for safekeeping any will of the individual in the conservator's possession and inform the personal representative named in the will if feasible, or if not feasible, a beneficiary named in the will, of the delivery.

(2) If forty days after the death of an individual subject to conservatorship no personal representative has been appointed

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and no application or petition for appointment is before the court, the conservator may apply to exercise the powers and duties of a personal representative to administer and distribute the decedent's estate. The conservator shall give notice of his or her appointment and the pendency of any probate proceedings as provided in RCW 11.28.237 and shall also give notice to a person nominated as personal representative by a will of the decedent of which the conservator is aware. The court may grant the application if there is no objection and endorse the letters of office to note that the individual formerly subject to conservatorship is deceased and the conservator has acquired the powers and duties of a personal representative.

(3) On the death of an individual subject to conservatorship, the conservator shall conclude the administration of the conservatorship estate as provided in section 431 of this act.

NEW SECTION. Sec. 428. PRESENTATION AND ALLOWANCE OF CLAIM. (1) A conservator may pay, or secure by encumbering property included in the conservatorship estate, a claim against the conservatorship estate or the individual subject to conservatorship arising before or during the conservatorship, on presentation and allowance in accordance with the priorities under subsection (4) of this section. A claimant may present a claim by:

(a) Sending or delivering to the conservator a statement in a record of the claim, indicating its basis, the name and address of the claimant, and the amount claimed; or

(b) Filing the claim with the court, in a form acceptable to the court, and sending or delivering a copy of the claim to the conservator.

(2) A claim under subsection (1) of this section is presented on receipt by the conservator of the statement of the claim or the filing with the court of the claim, whichever first occurs. A presented claim is allowed if it is not disallowed in whole or in part by the conservator in a record sent or delivered to the claimant not later than sixty days after its presentation. Before payment, the conservator may change an allowance of the claim to a disallowance in whole or in part, but not after allowance under a court order or order directing payment of the claim. Presentation of a claim tolls until thirty days after disallowance of the claim the running of a statute of limitations that has not expired relating to the claim.

(3) A claimant whose claim under subsection (1) of this section has not been paid may petition the court to determine the claim at any time before it is barred by a statute of limitations, and the court may order its allowance, payment, or security by encumbering property included in the conservatorship estate. If a proceeding is pending against the individual subject to conservatorship at the time of appointment of the conservator or is initiated thereafter, the moving party shall give the conservator notice of the proceeding if it could result in creating a claim against the conservatorship estate.

(4) If a conservatorship estate is likely to be exhausted before all existing claims are paid, the conservator shall distribute the estate in money or in kind in payment of claims in the following order:

- (a) Costs and expenses of administration;
- (b) A claim of the federal or state government having priority under law other than this chapter;
- (c) A claim incurred by the conservator for support, care, education, health, or welfare previously provided to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship;
- (d) A claim arising before the conservatorship; and
- (e) All other claims.

(5) Preference may not be given in the payment of a claim under subsection (4) of this section over another claim of the same class. A claim due and payable may not be preferred over a claim not due unless:

(a) Doing so would leave the conservatorship estate without sufficient funds to pay the basic living and health care expenses of the individual subject to conservatorship; and

(b) The court authorizes the preference under section 414(1)(h) of this act.

(6) If assets of a conservatorship estate are adequate to meet all existing claims, the court, acting in the best interest of the individual subject to conservatorship, may order the conservator to grant a security interest in the conservatorship estate for payment of a claim at a future date.

NEW SECTION. Sec. 429. PERSONAL LIABILITY OF CONSERVATOR. (1) Except as otherwise agreed by a conservator, the conservator is not personally liable on a contract properly entered into in a fiduciary capacity in the course of administration of the conservatorship estate unless the conservator fails to reveal the conservator's representative capacity in the contract or before entering into the contract.

(2) A conservator is personally liable for an obligation arising from control of property of the conservatorship estate or an act or omission occurring in the course of administration of the conservatorship estate only if the conservator is personally at fault.

(3) A claim based on a contract entered into by a conservator in a fiduciary capacity, an obligation arising from control of property included in the conservatorship estate, or a tort committed in the course of administration of the conservatorship estate may be asserted against the conservatorship estate in a proceeding against the conservator in a fiduciary capacity, whether or not the conservator is personally liable for the claim.

(4) A question of liability between a conservatorship estate and the conservator personally may be determined in a proceeding for accounting, surcharge, or indemnification or another appropriate proceeding or action.

NEW SECTION. Sec. 430. REMOVAL OF CONSERVATOR—APPOINTMENT OF SUCCESSOR. (1) The court may remove a conservator for failure to perform the conservator's duties or other good cause and appoint a successor conservator to assume the duties of the conservator.

(2) The court shall hold a hearing to determine whether to remove a conservator and appoint a successor on:

(a) Petition of the individual subject to conservatorship, conservator, or person interested in the welfare of the individual which contains allegations that, if true, would support a reasonable belief that removal of the conservator and appointment of a successor may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(b) Communication from the individual subject to conservatorship, conservator, or person interested in the welfare of the individual which supports a reasonable belief that removal of the conservator and appointment of a successor may be appropriate; or

(c) Determination by the court that a hearing would be in the best interest of the individual subject to conservatorship.

(3) Notice of a hearing under subsection (2)(a) of this section and notice of the individual's right to be represented at the hearing by counsel of the individual's choosing must be given to the individual subject to conservatorship, the conservator, and any other person the court determines.

(4) An individual subject to conservatorship who seeks to remove the conservator and have a successor appointed has the right to choose an attorney to represent the individual in this matter. The court shall award reasonable attorneys' fees to the attorney as provided in section 120 of this act.

(5) In selecting a successor conservator, the court shall follow the priorities under section 410 of this act.

(6) Not later than fourteen days after appointing a successor conservator, the successor conservator shall give notice of the appointment to the individual subject to conservatorship and any person entitled to notice under section 411(6) of this act or a subsequent order.

NEW SECTION. Sec. 431. TERMINATION OR MODIFICATION OF CONSERVATORSHIP. (1) A conservatorship for a minor terminates on the earliest of:

(a) A court order terminating the conservatorship;
 (b) The minor becoming an adult or, if the minor consents or the court finds by clear and convincing evidence that substantial harm to the minor's interests is otherwise likely, attaining twenty-one years of age;

(c) Emancipation of the minor; or
 (d) Death of the minor.

(2) A conservatorship for an adult terminates on order of the court or when the adult dies.

(3) An individual subject to conservatorship, the conservator, or a person interested in the welfare of the individual may petition for:

(a) Termination of the conservatorship on the ground that a basis for appointment under section 401 of this act does not exist or termination would be in the best interest of the individual or for other good cause; or

(b) Modification of the conservatorship on the ground that the extent of protection or assistance granted is not appropriate or for other good cause.

(4) The court shall hold a hearing to determine whether termination or modification of a conservatorship is appropriate on:

(a) Petition under subsection (3) of this section that contains allegations that, if true, would support a reasonable belief that termination or modification of the conservatorship may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed within the preceding six months;

(b) A communication from the individual subject to conservatorship, conservator, or person interested in the welfare of the individual which supports a reasonable belief that termination or modification of the conservatorship may be appropriate, including because the functional needs of the individual or supports or services available to the individual have changed;

(c) A report from a guardian or conservator which indicates that termination or modification may be appropriate because the functional needs or supports or services available to the individual have changed or a protective arrangement instead of conservatorship or other less restrictive alternative is available; or

(d) A determination by the court that a hearing would be in the best interest of the individual.

(5) Notice of a petition under subsection (3) of this section must be given to the individual subject to conservatorship, the conservator, and any such other person the court determines.

(6) On presentation of prima facie evidence for termination of a conservatorship, the court shall order termination unless it is proven that a basis for appointment of a conservator under section 401 of this act exists.

(7) The court shall modify the powers granted to a conservator if the powers are excessive or inadequate due to a change in the abilities or limitations of the individual subject to conservatorship, the individual's supports, or other circumstances.

(8) Unless the court otherwise orders for good cause, before terminating a conservatorship, the court shall follow the same procedures to safeguard the rights of the individual subject to conservatorship which apply to a petition for conservatorship.

(9) An individual subject to conservatorship who seeks to terminate or modify the terms of the conservatorship has the right to choose an attorney to represent the individual in this matter. The court shall award reasonable attorneys' fees to the attorney as provided in section 120 of this act.

(10) On termination of a conservatorship other than by reason of the death of the individual subject to conservatorship, property of the conservatorship estate passes to the individual. The order of termination must direct the conservator to file a final report and petition for discharge on approval by the court of the final report.

(11) On termination of a conservatorship by reason of the death of the individual subject to conservatorship, the conservator shall file a final report and petition for discharge on approval by the court of the final report within ninety days of death of the person subject to conservatorship. On approval of the final report, the conservator shall proceed expeditiously to distribute the conservatorship estate to the individual's estate or as otherwise ordered by the court. The conservator may take reasonable measures necessary to preserve the conservatorship estate until distribution can be made.

(12) The court shall issue a final order of discharge on the approval by the court of the final report and satisfaction by the conservator of any other condition the court imposed on the conservator's discharge.

NEW SECTION. Sec. 432. TRANSFER FOR BENEFIT OF MINOR WITHOUT APPOINTMENT OF CONSERVATOR. (1) Unless a person required to transfer funds or other property to a minor knows that a conservator for the minor has been appointed or a proceeding is pending for conservatorship, the person may transfer an amount or value not exceeding fifteen thousand dollars in a twelve-month period to:

(a) A person that has care or custody of the minor and with whom the minor resides;

(b) A guardian for the minor;

(c) A custodian under the uniform transfers to minors act (chapter 11.114 RCW); or

(d) A financial institution as a deposit in an interest-bearing account or certificate solely in the name of the minor and shall give notice to the minor of the deposit.

(2) A person that transfers funds or other property under this section is not responsible for its proper application.

(3) A person that receives funds or other property for a minor under subsection (1)(a) or (b) of this section may apply it only to the support, care, education, health, or welfare of the minor, and may not derive a personal financial benefit from it, except for reimbursement for necessary expenses. Funds not applied for these purposes must be preserved for the future support, care, education, health, or welfare of the minor, and the balance, if any, transferred to the minor when the minor becomes an adult or otherwise is emancipated.

ARTICLE 5

OTHER PROTECTIVE ARRANGEMENTS

NEW SECTION. Sec. 501. AUTHORITY FOR PROTECTIVE ARRANGEMENT. (1) Under this article, a court:

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(a) On receiving a petition for a guardianship for an adult may order a protective arrangement instead of guardianship as a less restrictive alternative to guardianship; and

(b) On receiving a petition for a conservatorship for an individual may order a protective arrangement instead of conservatorship as a less restrictive alternative to conservatorship.

(2) A person interested in an adult's welfare, including the adult or a conservator for the adult, may petition under this article for a protective arrangement instead of guardianship.

(3) The following persons may petition under this article for a protective arrangement instead of conservatorship:

(a) The individual for whom the protective arrangement is sought;

(b) A person interested in the property, financial affairs, or welfare of the individual, including a person that would be affected adversely by lack of effective management of property or financial affairs of the individual; and

(c) The guardian for the individual.

NEW SECTION. Sec. 502. BASIS FOR PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP FOR ADULT. (1) After the hearing on a petition under section 302 of this act for a guardianship or under section 501(2) of this act for a protective arrangement instead of guardianship, the court may issue an order under subsection (2) of this section for a protective arrangement instead of guardianship if the court finds by clear and convincing evidence that:

(a) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; and

(b) The respondent's identified needs cannot be met by a less restrictive alternative.

(2) If the court makes the findings under subsection (1) of this section, the court, instead of appointing a guardian, may:

(a) Authorize or direct a transaction necessary to meet the respondent's need for health, safety, or care, including:

(i) A particular medical treatment or refusal of a particular medical treatment;

(ii) A move to a specified place of dwelling; or

(iii) Visitation or supervised visitation between the respondent and another person;

(b) Restrict access to the respondent by a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm; and

(c) Reorder other arrangements on a limited basis that are appropriate.

(3) In deciding whether to issue an order under this section, the court shall consider the factors under sections 314 and 315 of this act that a guardian must consider when making a decision on behalf of an adult subject to guardianship.

NEW SECTION. Sec. 503. BASIS FOR PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR ADULT OR MINOR. (1) After the hearing on a petition under section 402 of this act for conservatorship for an adult or under section 501(3) of this act for a protective arrangement instead of a conservatorship for an adult, the court may issue an order under subsection (3) of this section for a protective arrangement instead of conservatorship for the adult if the court finds by clear and convincing evidence that:

(a) The adult is unable to manage property or financial affairs because:

(i) Of a limitation in the ability to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; or

(ii) The adult is missing, detained, or unable to return to the United States;

(b) An order under subsection (3) of this section is necessary to:

(i) Avoid harm to the adult or significant dissipation of the property of the adult; or

(ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or an individual entitled to the adult's support; and

(c) The respondent's identified needs cannot be met by a less restrictive alternative.

(2) After the hearing on a petition under section 402 of this act for conservatorship for a minor or under section 501(3) of this act for a protective arrangement instead of conservatorship for a minor, the court may issue an order under subsection (3) of this section for a protective arrangement instead of conservatorship for the respondent if the court finds by a preponderance of the evidence that the arrangement is in the minor's best interest, and:

(a) If the minor has a parent, the court gives weight to any recommendation of the parent whether an arrangement is in the minor's best interest;

(b) Either:

(i) The minor owns money or property requiring management or protection that otherwise cannot be provided;

(ii) The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(iii) The arrangement is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor; and

(iv) The order under subsection (3) of this section is necessary or desirable to obtain or provide money needed for the support, care, education, health, or welfare of the minor.

(3) If the court makes the findings under subsection (1) or (2) of this section, the court, instead of appointing a conservator, may:

(a) Authorize or direct a transaction necessary to protect the financial interest or property of the respondent, including:

(i) An action to establish eligibility for benefits;

(ii) Payment, delivery, deposit, or retention of funds or property;

(iii) Sale, mortgage, lease, or other transfer of property;

(iv) Purchase of an annuity;

(v) Entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training, or employment;

(vi) Addition to or establishment of a trust;

(vii) Ratification or invalidation of a contract, trust, will, or other transaction, including a transaction related to the property or business affairs of the respondent; or

(viii) Settlement of a claim; or

(b) Restrict access to the respondent's property by a specified person whose access to the property places the respondent at serious risk of financial harm.

(4) After the hearing on a petition under section 501 (1)(b) or (3) of this act, whether or not the court makes the findings under subsection (1) or (2) of this section, the court may issue an order to restrict access to the respondent or the respondent's property by a specified person that the court finds by clear and convincing evidence:

(a) Through fraud, coercion, duress, or the use of deception and control caused or attempted to cause an action that would have

resulted in financial harm to the respondent or the respondent's property; and

(b) Poses a serious risk of substantial financial harm to the respondent or the respondent's property.

(5) Before issuing an order under subsection (3) or (4) of this section, the court shall consider the factors under section 418 of this act a conservator must consider when making a decision on behalf of an individual subject to conservatorship.

(6) Before issuing an order under subsection (3) or (4) of this section for a respondent who is a minor, the court also shall consider the best interest of the minor, the preference of the parents of the minor, and the preference of the minor, if the minor is twelve years of age or older.

NEW SECTION. Sec. 504. PETITION FOR PROTECTIVE ARRANGEMENT. A petition for a protective arrangement instead of guardianship or conservatorship must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the protective arrangement, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(1) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(2) The name and address of the respondent's:

(a) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period before the filing of the petition;

(b) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(c) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the petition;

(3) The name and current address of each of the following, if applicable:

(a) A person responsible for the care or custody of the respondent;

(b) Any attorney currently representing the respondent;

(c) The representative payee appointed by the social security administration for the respondent;

(d) A guardian or conservator acting for the respondent in this state or another jurisdiction;

(e) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(f) The fiduciary appointed for the respondent by the department of veterans affairs;

(g) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(h) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(i) A person nominated as guardian or conservator by the respondent if the respondent is twelve years of age or older;

(j) A person nominated as guardian by the respondent's parent, spouse, or domestic partner in a will or other signed record;

(k) A person known to have routinely assisted the respondent with decision making in the six-month period immediately before the filing of the petition; and

(l) If the respondent is a minor:

(i) An adult not otherwise listed with whom the respondent resides; and

(ii) Each person not otherwise listed that had primary care or custody of the respondent for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(4) The nature of the protective arrangement sought;

(5) The reason the protective arrangement sought is necessary, including a brief description of:

(a) The nature and extent of the respondent's alleged need;

(b) Any less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;

(c) If no less restrictive alternative has been considered or implemented, the reason less restrictive alternatives have not been considered or implemented; and

(d) The reason other less restrictive alternatives are insufficient to meet the respondent's alleged need;

(6) The name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;

(7) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings;

(8) If a protective arrangement instead of guardianship is sought and the respondent has property other than personal effects, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts; and

(9) If a protective arrangement instead of conservatorship is sought, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts.

NEW SECTION. Sec. 505. NOTICE AND HEARING. (1) All petitions filed under section 504 of this act for appointment of a guardian for an adult shall be heard within sixty days unless an extension of time is requested by a party or the visitor within such sixty-day period and granted for good cause shown.

(2) A copy of a petition under section 501 of this act and notice of a hearing on the petition must be served personally on the respondent and the visitor appointed under section 506 of this act not more than five court days after the petition under section 504 of this act has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under section 501 of this act, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under section 504 (1) through (3) of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from granting the petition.

(4) After the court has ordered a protective arrangement under this article, notice of a hearing on a petition filed under this chapter, together with a copy of the petition, must be given to the respondent and any other person the court determines.

NEW SECTION. Sec. 506. APPOINTMENT AND ROLE OF VISITOR. (1) On filing of a petition under section 501 of this act for a protective arrangement instead of guardianship, the court shall appoint a visitor. The visitor must be an individual

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with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) On filing of a petition under section 501 of this act for a protective arrangement instead of conservatorship for a minor, the court may appoint a visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(3) On filing of a petition under section 501 of this act or a protective arrangement instead of conservatorship for an adult, the court shall appoint a visitor unless the respondent is represented by an attorney appointed by the court. The visitor must be an individual with training or experience in the types of abilities, limitations, and needs alleged in the petition.

(4) The court, in the order appointing visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the visitor may charge without additional court review and approval.

(5)(a) The visitor appointed under subsection (1) or (3) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under section 116 of this act with a statement including: His or her training relating to the duties as a visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
- (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
- (iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the visitor and all parties. If, after a hearing, the court enters an order replacing the visitor, findings shall be included, expressly stating the reasons for the removal. If the visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(6) A visitor appointed under subsection (1) or (3) of this section shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, and the respondent's rights at the hearing on the petition;

(b) Determine the respondent's views with respect to the order sought;

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets;

(d) If the petitioner seeks an order related to the dwelling of the respondent, visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted;

(e) If a protective arrangement instead of guardianship is sought, obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition;

(f) If a protective arrangement instead of conservatorship is sought, review financial records of the respondent, if relevant to

the visitor's recommendation under subsection (7)(b) of this section; and

(g) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A visitor under this section promptly shall file a report in a record with the court, which must include:

(a) To the extent relevant to the order sought, a summary of self-care, independent living tasks, and financial management tasks the respondent:

- (i) Can manage without assistance or with existing supports;
- (ii) Could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making; and

(iii) Cannot manage;

(b) A recommendation regarding the appropriateness of the protective arrangement sought and whether a less restrictive alternative for meeting the respondent's needs is available;

(c) If the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling;

(d) A recommendation whether a professional evaluation under section 508 of this act is necessary;

(e) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(f) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(g) Any other matter the court directs.

NEW SECTION. Sec. 507. APPOINTMENT AND ROLE OF ATTORNEY. (1) Unless the respondent in a proceeding under this article is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay.

(2) An attorney representing the respondent in a proceeding under this article shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive alternative in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under this article if:

(a) The parent objects to the entry of an order for a protective arrangement instead of guardianship or conservatorship;

(b) The court determines that counsel is needed to ensure that consent to the entry of an order for a protective arrangement is informed; or

(c) The court otherwise determines the parent needs representation.

NEW SECTION. Sec. 508. PROFESSIONAL EVALUATION. (1) At or before a hearing on a petition under this article for a protective arrangement, the court shall order a professional evaluation of the respondent:

(a) If the respondent requests the evaluation; or

(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.

(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a licensed physician, psychologist, social worker, or other individual appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file a report in a record with the court. Unless otherwise directed by the court, the report must contain:

(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(c) A prognosis for improvement, including with regard to the ability to manage the respondent's property and financial affairs if a limitation in that ability is alleged, and recommendation for the appropriate treatment, support, or habilitation plan; and

(d) The date of the examination on which the report is based.

(3) The respondent may decline to participate in an evaluation ordered under subsection (1) of this section.

NEW SECTION. Sec. 509. ATTENDANCE AND RIGHTS AT HEARING. (1) Except as otherwise provided in subsection (2) of this section, a hearing under this article may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under this article may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so;

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance; or

(c) The respondent is a minor who has received proper notice and attendance would be harmful to the minor.

(3) The respondent may be assisted in a hearing under this article by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under this article.

(5) At a hearing under this article, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses, including any court-appointed evaluator and the visitor; and

(c) Otherwise participate in the hearing.

(6) A hearing under this article must be closed on request of the respondent and a showing of good cause.

(7) Any person may request to participate in a hearing under this article. The court may grant the request, with or without a hearing, on determining that the best interests of the respondent will be served. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 510. NOTICE OF ORDER. The court shall give notice of an order under this article to the individual who is subject to the protective arrangement instead of guardianship or conservatorship, a person whose access to the individual is restricted by the order, and any other person the court determines.

NEW SECTION. Sec. 511. CONFIDENTIALITY OF RECORDS. (1) The existence of a proceeding for or the existence of a protective arrangement instead of guardianship or conservatorship is a matter of public record unless the court seals the record after:

(a) The respondent, the individual subject to the protective arrangement, or the parent of a minor subject to the protective arrangement requests the record be sealed; and

(b) Either:

(i) The proceeding is dismissed;

(ii) The protective arrangement is no longer in effect; or

(iii) An act authorized by the order granting the protective arrangement has been completed.

(2) A respondent, an individual subject to a protective arrangement instead of guardianship or conservatorship, an attorney designated by the respondent or individual, a parent of a minor subject to a protective arrangement, and any other person the court determines are entitled to access court records of the proceeding and resulting protective arrangement. A person not otherwise entitled access to court records under this subsection for good cause may petition the court for access. The court shall grant access if access is in the best interest of the respondent or individual subject to the protective arrangement or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(3) A report of a visitor or professional evaluation generated in the course of a proceeding under this article must be sealed on filing but is available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;

(d) Unless the court orders otherwise, an agent appointed under a power of attorney for finances in which the respondent is the principal;

(e) If the order is for a protective arrangement instead of guardianship and unless the court orders otherwise, an agent appointed under a power of attorney for health care in which the respondent is identified as the principal; and

(f) Any other person if it is in the public interest or for a purpose the court orders for good cause.

NEW SECTION. Sec. 512. APPOINTMENT OF SPECIAL AGENT. The court may appoint a special agent, to assist in implementing a protective arrangement under this article. The special agent has the authority conferred by the order of appointment and serves until discharged by court order.

ARTICLE 6 FORMS

NEW SECTION. Sec. 601. USE OF FORMS. Unless otherwise provided in this chapter, use of the forms contained in this article is optional. Failure to use these forms does not prejudice any party.

NEW SECTION. Sec. 602. PETITION FOR GUARDIANSHIP FOR MINOR. This form may be used to petition for guardianship for a minor.

Petition for Guardianship for Minor

State of:.....

County of:

Name and address of attorney representing petitioner, if applicable:

Note to petitioner: This form can be used to petition for a guardian for a minor. A court may appoint a guardian if the court finds the appointment is in the minor's best interest, and: The parents, after being fully informed of the nature and consequences of guardianship, consent; all parental rights have been terminated; or the court finds by clear and convincing evidence that the parents are unwilling or unable to exercise their parental rights.

(1) Information about the person filing this petition (the petitioner.)

- (a) Name:.....
(b) Principal residence:.....
(c) Current street address (if different):.....
(d) Relationship to minor:

(2) Information about the minor alleged to need a guardian. Provide the following information to the extent known.

- (a) Name:.....
(b) Age:

(3) Information about the minor's parent(s). (a) Name(s) of living parent(s):..... (b) Current street address(es) of living parent(s):..... (c) Does any parent need an interpreter, translator, or other form of support to communicate with the court or understand court proceedings? If so, please explain:.....

(4) People who are required to be notified of this petition. State the name and current address of the people listed in Appendix A.

(5) Appointment requested. State the name and address of any proposed guardian and the reason the proposed guardian should be selected.

(6) State why petitioner seeks the appointment. Include a description of the nature and extent of the minor's alleged need.

(7) Property. If the minor has property other than personal effects, state the minor's property with an estimate of its value.

(8) Other proceedings. If there are any other proceedings concerning the care or custody of the minor currently pending in any court in this state or another jurisdiction, please describe them.

(9) Attorney(s). If the minor or the minor's parent is represented by an attorney in this matter, state the name, telephone number, email address, and address of the attorney(s).

SIGNATURE

Signature of Petitioner Date

Signature of Petitioner's Attorney if Date
Petitioner is Represented by Counsel

APPENDIX A:

People whose name and address must be listed in subsection (4) of this petition if they are not the petitioner:

The minor, if the minor is twelve years of age or older; Each parent of the minor or, if there are none, the adult nearest in kinship that can be found; An adult with whom the minor resides;

Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

If the minor is twelve years of age or older, any person nominated as guardian by the minor;

Any person nominated as guardian by a parent of the minor;

The grandparents of the minor; Adult siblings of the minor; and

Any current guardian or conservator for the minor appointed in this state or another jurisdiction.

NEW SECTION. Sec. 603. PETITION FOR GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT. This form may be used to petition for:

Guardianship for an adult; Conservatorship for an adult or minor;

A protective arrangement instead of guardianship for an adult; or

A protective arrangement instead of conservatorship for an adult or minor.

Petition for Guardianship, Conservatorship, or Protective Arrangement

State of:.....

County of:.....

Name and address of attorney representing petitioner, if applicable:.....

Note to petitioner: This form can be used to petition for a guardian, conservator, or both, or for a protective arrangement instead of either a guardianship or conservatorship. This form should not be used to petition for guardianship for a minor.

The court may appoint a guardian or order a protective arrangement instead of guardianship for an adult if the adult lacks the ability to meet essential requirements for physical

health, safety, or self-care because (1) the adult is unable to receive and evaluate information or make or communicate decisions even with the use of supportive services, technological assistance, and supported decision making, and (2) the adult's identified needs cannot be met by a less restrictive alternative.

The court may appoint a conservator or order a protective arrangement instead of conservatorship for an adult if (1) the adult is unable to manage property and financial affairs because of a limitation in the ability to receive and evaluate information or make or communicate decisions even with the use of supportive services, technological assistance, and supported decision making or the adult is missing, detained, or unable to return to the United States, and (2) appointment is necessary to avoid harm to the adult or significant dissipation of the property of the adult, or to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult, or of an individual who is entitled to the adult's support, and protection is necessary or desirable to provide funds or other property for that purpose.

The court may appoint a conservator or order a protective arrangement instead of conservatorship for a minor if: (1) The minor owns funds or other property requiring management or protection that cannot otherwise be provided; or (2) it would be in the minor's best interests, and the minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age, or appointment is necessary or desirable to provide funds or other property needed for the support, care, education, health, or welfare of the minor.

The court may also order a protective arrangement instead of conservatorship that restricts access to an individual or an individual's property by a person that the court finds: (1) Through fraud, coercion, duress, or the use of deception and control, caused, or attempted to cause, an action that would have resulted in financial harm to the individual or the individual's property; and (2) poses a serious risk of substantial financial harm to the individual or the individual's property.

(1) Information about the person filing this petition (the petitioner.)

- (a) Name:.....
- (b) Principal residence:.....
- (c) Current street address (if different):.....
- (d) Relationship to respondent:
- (e) Interest in this petition:
- (f) Telephone number (optional):
- (g) Email address (optional):.....

(2) Information about the individual alleged to need protection (the "respondent"). Provide the following information to the extent known.

- (a) Name:.....
- (b) Age:
- (c) Principal residence:.....
- (d) Current street address (if different):.....
- (e) If petitioner anticipates respondent moving, or seeks to move respondent, proposed new address:.....
- (f) Does respondent need an interpreter, translator, or other form of support to communicate with the court or understand court proceedings? If so, please explain:.....
- (g) Telephone number (optional):.....
- (h) Email address (optional):.....

(3) People who are required to be notified of this petition. State the name and address of the people listed in Appendix A.

.....
.....

(4) Existing agents. State the name and address of any person appointed as an agent under a power of attorney for finances or power of attorney for health care, or who has been appointed as the individual's representative for payment of benefits.

.....
.....

(5) Action requested. State whether petitioner is seeking appointment of a guardian, a conservator, or a protective arrangement instead of an appointment.

.....
.....

(6) Order requested or appointment requested. If seeking a protective arrangement instead of a guardianship or conservatorship, state the transaction or other action you want the court to order. If seeking appointment of a guardian or conservator, state the powers petitioner requests the court grant to a guardian or conservator.

.....
.....

(7) State why the appointment or protective arrangement sought is necessary. Include a description of the nature and extent of respondent's alleged need.

.....
.....

(8) State all less restrictive alternatives to meeting respondent's alleged need that have been considered or implemented. Less restrictive alternatives could include supported decision making, technological assistance, or the appointment of an agent by respondent including appointment under a power of attorney for health care or power of attorney for finances. If no alternative has been considered or implemented, state the reason why not.

.....
.....

(9) Explain why less restrictive alternatives will not meet respondent's alleged need.

.....
.....

(10) Provide a general statement of respondent's property and an estimate of its value. Include any real property such as a house or land, insurance or pension, and the source and amount of any other anticipated income or receipts. As part of this statement, indicate, if known, how the property is titled (for example, is it jointly owned?).

.....
.....

(11) For a petition seeking appointment of a conservator. (Skip this section if not asking for appointment of a conservator.)

(a) If seeking appointment of a conservator with all powers permissible under this state's law, explain why appointment of a conservator with fewer powers (i.e., a "limited conservatorship") or other protective arrangement instead of conservatorship will not meet the individual's alleged needs.

.....
.....

(b) If seeking a limited conservatorship, state the property petitioner requests be placed under the conservator's control and any proposed limitation on the conservator's powers and duties.

.....
.....
(c) State the name and address of any proposed conservator and the reason the proposed conservator should be selected.
.....
.....

(d) If respondent is twelve years of age or older, state the name and address of any person respondent nominates as conservator.
.....
.....

(e) If alleging a limitation in respondent's ability to receive and evaluate information, provide a brief description of the nature and extent of respondent's alleged limitation.
.....
.....

(f) If alleging that respondent is missing, detained, or unable to return to the United States, state the relevant circumstances, including the time and nature of the disappearance or detention and a description of any search or inquiry concerning respondent's whereabouts.
.....
.....

(12) For a petition seeking appointment of a guardian. (Skip this section if not asking for appointment of a guardian.)

(a) If seeking appointment of a guardian with all powers permissible under this state's law, explain why appointment of a guardian with fewer powers (i.e., a "limited guardianship") or other protective arrangement instead of guardianship will not meet the individual's alleged needs.
.....
.....

(b) If seeking a limited guardianship, state the powers petitioner requests be granted to the guardian.
.....
.....

(c) State the name and address of any proposed guardian and the reason the proposed guardian should be selected.
.....
.....

(d) State the name and address of any person nominated as guardian by respondent, or, in a will or other signed writing or other record, by respondent's parent or spouse or domestic partner.
.....
.....

(13) Attorney. If petitioner, respondent, or, if respondent is a minor, respondent's parent is represented by an attorney in this matter, state the name, telephone number, email address, and address of the attorney(s).
.....
.....

SIGNATURE

.....
Signature of Petitioner

Date

.....
Signature of Petitioner's Attorney if
Petitioner is Represented by Counsel

Date

APPENDIX A:

People whose name and address must be listed in subsection (3) of this petition, if they are not the petitioner.

Respondent's spouse or domestic partner, or if respondent has none, any adult with whom respondent has shared household responsibilities in the past six months;

Respondent's adult children, or, if respondent has none, respondent's parents and adult siblings, or if respondent has none, one or more adults nearest in kinship to respondent who can be found with reasonable diligence;

Respondent's adult stepchildren whom respondent actively parented during the stepchildren's minor years and with whom respondent had an ongoing relationship within two years of this petition;

Any person responsible for the care or custody of respondent;

Any attorney currently representing respondent;

Any representative payee for respondent appointed by the social security administration;

Any current guardian or conservator for respondent appointed in this state or another jurisdiction;

Any trustee or custodian of a trust or custodianship of which respondent is a beneficiary;

Any veterans administration fiduciary for respondent;

Any person respondent has designated as agent under a power of attorney for finances;

Any person respondent has designated as agent under a power of attorney for health care;

Any person known to have routinely assisted the individual with decision making in the previous six months;

Any person respondent nominates as guardian or conservator; and

Any person nominated as guardian by respondent's parent or spouse or domestic partner in a will or other signed writing or other record.

NEW SECTION. Sec. 604. NOTIFICATION OF RIGHTS FOR ADULT SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP. This form may be used to notify an adult subject to guardianship or conservatorship of the adult's rights under sections 311 and 412 of this act.

Notification of Rights

You are getting this notice because a guardian, conservator, or both have been appointed for you. It tells you about some important rights you have. It does not tell you about all your rights. If you have questions about your rights, you can ask an attorney or another person, including your guardian or conservator, to help you understand your rights.

General rights:

You have the right to exercise any right the court has not given to your guardian or conservator.

You also have the right to ask the court to:

End your guardianship, conservatorship, or both;

Increase or decrease the powers granted to your guardian, conservator, or both;

Make other changes that affect what your guardian or conservator can do or how they do it; and

Replace the person that was appointed with someone else.

You also have a right to hire an attorney to help you do any of these things.

Additional rights for persons for whom a guardian has been appointed:

As an adult subject to guardianship, you have a right to:

(1) Be involved in decisions affecting you, including decisions about your care, where you live, your activities, and your social interactions, to the extent reasonably feasible;

(2) Be involved in decisions about your health care to the extent reasonably feasible, and to have other people help you understand the risks and benefits of health care options;

(3) Be notified at least fourteen days in advance of a change in where you live or a permanent move to a nursing home,

Restricted Account Agreements Required:
 Due Date for Inventory, if applicable:
 Due Date for Guardian's Plan, if applicable:

Person subject to guardianship/conservatorship	Guardian/Conservator
Name:	Name:
Address:	Address:
Phone:	Phone:
Facsimile:	Facsimile:

Interested Parties	Address	Relation

**ARTICLE 7
 CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD
 OF RESOLUTION GRIEVANCES**

NEW SECTION. Sec. 701 CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD RESOLUTION OF GRIEVANCES.

(1) The certified professional guardianship board must resolve grievances against professional guardians and/or conservators within a reasonable time for alleged violations of the certified professional guardianship board's standards of practice.

(a) All grievances must initially be reviewed within thirty days by certified professional guardianship board members, or a subset thereof, to determine if the grievance is complete, states facts that allege a violation of the standards of practice, and relates to the conduct of a professional guardian and/or conservator, before any investigation or response is requested from the professional guardian or the superior court. Grievances must provide the dates of the alleged violations and must be signed and dated by the person filing the grievance. Grievance investigations by the board are limited to the allegations contained in the grievance unless, after review by a majority of the members of the certified professional guardianship board, further investigation is justified.

(b) If the certified professional guardianship board determines the grievance is complete, states facts that allege a violation of the standards of practice, and relates to the conduct of a professional guardian and/or conservator, the certified professional guardianship board must forward that grievance within ten days to the superior court for that guardianship or conservatorship and to the professional guardian and/or conservator. The court must review the matter as set forth in section 128 of this act, and must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board. The certified professional guardianship board must act consistently with any finding of fact issued in that order.

(2) Grievances received by the certified professional guardianship board must be resolved within one hundred eighty days of receipt.

(3) If the grievance cannot be resolved within one hundred eighty days, the certified professional guardianship board must notify the professional guardian and/or conservator. The professional guardian or conservator may propose a resolution of the grievance with facts and/or arguments. The certified professional guardianship board may accept the proposed

resolution or determine that an additional ninety days are needed to review the grievance. If the certified professional guardianship board has not resolved the grievance within the additional ninety days the professional guardian or conservator may:

(a) File a motion for a court order to compel the certified professional guardianship board to resolve the grievance within a reasonable time; or

(b) Move for the court to resolve the grievance instead of being resolved by the certified professional guardianship board.

(4) The court has authority to enforce the certified professional guardianship board's standards of practice in this article to the extent those standards are related to statutory or fiduciary duties of guardians and conservators.

(5) Any unresolved grievances filed with the certified professional guardianship board at the time of the effective date of this section must be forwarded to the superior court for that guardianship or conservatorship for review by the court as set forth in section 128 of this act.

**ARTICLE 8
 MISCELLANEOUS PROVISIONS**

NEW SECTION. Sec. 801 REPEALS. The following acts or parts of acts are each repealed:

(1)RCW 11.88.005 (Legislative intent) and 1990 c 122 s 1, 1977 ex.s. c 309 s 1, & 1975 1st ex.s. c 95 s 1;

(2)RCW 11.88.008 ("Professional guardian" defined) and 1997 c 312 s 2;

(3)RCW 11.88.010 (Authority to appoint guardians—Definitions—Venue—Nomination by principal) and 2016 c 209 s 403, 2008 c 6 s 802, 2005 c 236 s 3, (2005 c 236 s 2 expired January 1, 2006), 2004 c 267 s 139, 1991 c 289 s 1, 1990 c 122 s 2, 1984 c 149 s 176, 1977 ex.s. c 309 s 2, 1975 1st ex.s. c 95 s 2, & 1965 c 145 s 11.88.010;

(4)RCW 11.88.020 (Qualifications) and 2011 c 329 s 1, 1997 c 312 s 1, 1990 c 122 s 3, 1975 1st ex.s. c 95 s 3, 1971 c 28 s 4, & 1965 c 145 s 11.88.020;

(5)RCW 11.88.030 (Petition—Contents—Hearing) and 2011 c 329 s 2, 2009 c 521 s 36, 1996 c 249 s 8, 1995 c 297 s 1, 1991 c 289 s 2, 1990 c 122 s 4, 1977 ex.s. c 309 s 3, 1975 1st ex.s. c 95 s 4, & 1965 c 145 s 11.88.030;

(6)RCW 11.88.040 (Notice and hearing, when required—Service—Procedure) and 2008 c 6 s 803, 1995 c 297 s 2, 1991 c 289 s 3, 1990 c 122 s 5, 1984 c 149 s 177, 1977 ex.s. c 309 s 4, 1975 1st ex.s. c 95 s 5, 1969 c 70 s 1, & 1965 c 145 s 11.88.040;

(7)RCW 11.88.045 (Legal counsel and jury trial—Proof—Medical report—Examinations—Waiver) and 2001 c 148 s 1, 1996 c 249 s 9, 1995 c 297 s 3, 1991 c 289 s 4, 1990 c 122 s 6, 1977 ex.s. c 309 s 5, & 1975 1st ex.s. c 95 s 7;

(8)RCW 11.88.080 (Guardians nominated by will or durable power of attorney) and 2016 c 209 s 401, 2005 c 97 s 11, 1990 c 122 s 7, & 1965 c 145 s 11.88.080;

(9)RCW 11.88.090 (Guardian ad litem—Mediation—Appointment—Qualifications—Notice of and statement by guardian ad litem—Hearing and notice—Attorneys' fees and costs—Registry—Duties—Report—Responses—Fee) and 2008 c 6 s 804, 2000 c 124 s 1, 1999 c 360 s 1, 1996 c 249 s 10, 1995 c 297 s 4, 1991 c 289 s 5, 1990 c 122 s 8, 1977 ex.s. c 309 s 6, 1975 1st ex.s. c 95 s 9, & 1965 c 145 s 11.88.090;

(10)RCW 11.88.093 (Ex parte communications—Removal) and 2000 c 124 s 10;

(11)RCW 11.88.095 (Disposition of guardianship petition) and 2011 c 329 s 4, 1995 c 297 s 5, 1991 c 289 s 6, & 1990 c 122 s 9;

(12)RCW 11.88.097 (Guardian ad litem—Fees) and 2000 c 124 s 13;

(13)RCW 11.88.100 (Oath and bond of guardian or limited guardian) and 2010 c 8 s 2088, 1990 c 122 s 10, 1983 c 271 s 1, 1977 ex.s. c 309 s 7, 1975 1st ex.s. c 95 s 10, & 1965 c 145 s 11.88.100;

(14)RCW 11.88.105 (Reduction in amount of bond) and 1990 c 122 s 11, 1975 1st ex.s. c 95 s 11, & 1965 c 145 s 11.88.105;

(15)RCW 11.88.107 (When bond not required) and 1990 c 122 s 12, 1977 ex.s. c 309 s 8, 1975 1st ex.s. c 95 s 12, & 1965 c 145 s 11.88.107;

(16)RCW 11.88.110 (Law on executors' and administrators' bonds applicable) and 1975 1st ex.s. c 95 s 13 & 1965 c 145 s 11.88.110;

(17)RCW 11.88.120 (Modification or termination of guardianship—Procedure) and 2017 c 271 s 2, 2015 c 293 s 1, 1991 c 289 s 7, 1990 c 122 s 14, 1977 ex.s. c 309 s 9, 1975 1st ex.s. c 95 s 14, & 1965 c 145 s 11.88.120;

(18)RCW 11.88.125 (Standby limited guardian or limited guardian) and 2013 c 304 s 1, 2011 c 329 s 5, 2008 c 6 s 805, 1991 c 289 s 8, 1990 c 122 s 15, 1979 c 32 s 1, 1977 ex.s. c 309 s 10, & 1975 1st ex.s. c 95 s 6;

(19)RCW 11.88.127 (Guardianship—Incapacitated person—Letters of guardianship) and 2011 c 329 s 6;

(20)RCW 11.88.130 (Transfer of jurisdiction and venue) and 1990 c 122 s 16, 1975 1st ex.s. c 95 s 15, & 1965 c 145 s 11.88.130;

(21)RCW 11.88.140 (Termination of guardianship or limited guardianship) and 2016 c 202 s 9, 2011 c 329 s 7, 1991 c 289 s 9, 1990 c 122 s 17, 1977 ex.s. c 309 s 11, 1975 1st ex.s. c 95 s 16, & 1965 c 145 s 11.88.140;

(22)RCW 11.88.150 (Administration of deceased incapacitated person's estate) and 2010 c 8 s 2089, 1990 c 122 s 18, 1977 ex.s. c 309 s 12, 1975 1st ex.s. c 95 s 17, & 1965 c 145 s 11.88.150;

(23)RCW 11.88.160 (Guardianships involving veterans) and 1990 c 122 s 13;

(24)RCW 11.88.170 (Guardianship courthouse facilitator program) and 2015 c 295 s 1;

(25)RCW 11.88.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 35;

(26)RCW 11.92.010 (Guardians or limited guardians under court control—Legal age) and 1975 1st ex.s. c 95 s 18, 1971 c 28 s 5, & 1965 c 145 s 11.92.010;

(27)RCW 11.92.035 (Claims) and 1990 c 122 s 19, 1975 1st ex.s. c 95 s 19, & 1965 c 145 s 11.92.035;

(28)RCW 11.92.040 (Duties of guardian or limited guardian in general) and 2011 c 329 s 9, 1991 c 289 s 10, 1990 c 122 s 20, & 1985 c 30 s 9;

(29)RCW 11.92.043 (Additional duties) and 2017 c 268 s 3, 2011 c 329 s 3, 1991 c 289 s 11, & 1990 c 122 s 21;

(30)RCW 11.92.050 (Intermediate accounts or reports—Hearing—Order) and 2011 c 329 s 10, 1995 c 297 s 6, 1990 c 122 s 23, 1975 1st ex.s. c 95 s 21, & 1965 c 145 s 11.92.050;

(31)RCW 11.92.053 (Settlement of estate upon termination) and 2011 c 329 s 8, 1995 c 297 s 7, 1990 c 122 s 24, & 1965 c 145 s 11.92.053;

(32)RCW 11.92.056 (Citation of surety on bond) and 1990 c 122 s 25, 1975 1st ex.s. c 95 s 22, & 1965 c 145 s 11.92.056;

(33)RCW 11.92.060 (Guardian to represent incapacitated person—Compromise of claims—Service of process) and 1990 c 122 s 26, 1975 1st ex.s. c 95 s 23, & 1965 c 145 s 11.92.060;

(34)RCW 11.92.090 (Sale, exchange, lease, or mortgage of property) and 1990 c 122 s 27, 1975 1st ex.s. c 95 s 24, & 1965 c 145 s 11.92.090;

(35)RCW 11.92.096 (Guardian access to certain held assets) and 1991 c 289 s 13;

(36)RCW 11.92.100 (Petition—Contents) and 1990 c 122 s 28, 1975 1st ex.s. c 95 s 25, & 1965 c 145 s 11.92.100;

(37)RCW 11.92.110 (Sale of real estate) and 1990 c 122 s 29, 1975 1st ex.s. c 95 s 26, & 1965 c 145 s 11.92.110;

(38)RCW 11.92.115 (Return and confirmation of sale) and 2010 c 8 s 2090, 1990 c 122 s 30, 1975 1st ex.s. c 95 s 27, & 1965 c 145 s 11.92.115;

(39)RCW 11.92.120 (Confirmation conclusive) and 1975 1st ex.s. c 95 s 28 & 1965 c 145 s 11.92.120;

(40)RCW 11.92.125 (Broker's fee and closing expenses—Sale, exchange, mortgage, or lease of real estate) and 1977 ex.s. c 309 s 15 & 1965 c 145 s 11.92.125;

(41)RCW 11.92.130 (Performance of contracts) and 1990 c 122 s 31, 1975 1st ex.s. c 95 s 29, & 1965 c 145 s 11.92.130;

(42)RCW 11.92.140 (Court authorization for actions regarding guardianship funds) and 2008 c 6 s 807, 1999 c 42 s 616, 1991 c 193 s 32, 1990 c 122 s 32, & 1985 c 30 s 10;

(43)RCW 11.92.150 (Request for special notice of proceedings) and 1990 c 122 s 33 & 1985 c 30 s 11;

(44)RCW 11.92.160 (Citation for failure to file account or report) and 1990 c 122 s 34, 1975 1st ex.s. c 95 s 31, & 1965 c 145 s 11.92.160;

(45)RCW 11.92.170 (Removal of property of nonresident incapacitated person) and 1990 c 122 s 35, 1977 ex.s. c 309 s 16, 1975 1st ex.s. c 95 s 32, & 1965 c 145 s 11.92.170;

(46)RCW 11.92.180 (Compensation and expenses of guardian or limited guardian—Attorney's fees—Department of social and health services clients paying part of costs—Rules) and 1995 c 297 s 8, 1994 c 68 s 1, 1991 c 289 s 12, 1990 c 122 s 36, 1975 1st ex.s. c 95 s 33, & 1965 c 145 s 11.92.180;

(47)RCW 11.92.185 (Concealed or embezzled property) and 1990 c 122 s 37, 1975 1st ex.s. c 95 s 34, & 1965 c 145 s 11.92.185;

(48)RCW 11.92.190 (Detention of person in residential placement facility against will prohibited—Effect of court order—Service of notice of residential placement) and 2016 sp.s. c 29 s 412, 1996 c 249 s 11, & 1977 ex.s. c 309 s 14;

(49)RCW 11.92.195 (Incapacitated persons—Right to associate with persons of their choosing) and 2017 c 268 s 1;

(50)RCW 26.10.010 (Intent) and 1987 c 460 s 25;

(51)RCW 26.10.015 (Mandatory use of approved forms) and 1992 c 229 s 4 & 1990 1st ex.s. c 2 s 27;

(52)RCW 26.10.020 (Civil practice to govern—Designation of proceedings—Decrees) and 1987 c 460 s 26;

(53)RCW 26.10.030 (Child custody proceeding—Commencement—Notice—Intervention) and 2003 c 105 s 3, 2000 c 135 s 3, 1998 c 130 s 4, & 1987 c 460 s 27;

(54)RCW 26.10.032 (Child custody motion—Affidavit required—Notice—Denial of motion—Show cause hearing) and 2003 c 105 s 6;

(55)RCW 26.10.034 (Petitions—Indian child statement—Application of federal Indian child welfare act) and 2011 c 309 s 31, 2004 c 64 s 1, & 2003 c 105 s 7;

(56)RCW 26.10.040 (Provisions for child support, custody, and visitation—Federal tax exemption—Continuing restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order) and 2000 c 119 s 8, 1995 c 93 s 3, 1994 sp.s. c 7 s 453, 1989 c 375 s 31, & 1987 c 460 s 28;

(57)RCW 26.10.045 (Child support schedule) and 1988 c 275 s 12;

(58)RCW 26.10.050 (Child support by parents—Apportionment of expense) and 2008 c 6 s 1023 & 1987 c 460 s 29;

(59)RCW 26.10.060 (Health insurance coverage—Conditions) and 1989 c 375 s 19 & 1987 c 460 s 30;

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(60)RCW 26.10.070 (Minor or dependent child—Court appointed attorney to represent—Payment of costs, fees, and disbursements) and 1989 c 375 s 20 & 1987 c 460 s 31;

(61)RCW 26.10.080 (Payment of costs, attorney's fees, etc) and 1987 c 460 s 35;

(62)RCW 26.10.090 (Failure to comply with decree or temporary injunction—Obligation to make support payments or permit visitation not suspended—Motion) and 1987 c 460 s 36;

(63)RCW 26.10.100 (Determination of custody—Child's best interests) and 1987 c 460 s 38;

(64)RCW 26.10.110 (Temporary custody order—Vacation of order) and 1987 c 460 s 39;

(65)RCW 26.10.115 (Temporary orders—Support—Restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order—Preservation of support debt) and 2000 c 119 s 9, 1995 c 246 s 29, 1994 sp.s. c 7 s 454, & 1989 c 375 s 32;

(66)RCW 26.10.120 (Interview with child by court—Advice of professional personnel) and 1987 c 460 s 40;

(67)RCW 26.10.130 (Investigation and report) and 1993 c 289 s 2 & 1987 c 460 s 41;

(68)RCW 26.10.135 (Custody orders—Background information to be consulted) and 2017 3rd sp.s. c 6 s 333 & 2003 c 105 s 1;

(69)RCW 26.10.140 (Hearing—Record—Expenses of witnesses) and 1987 c 460 s 42;

(70)RCW 26.10.150 (Access to child's education and medical records) and 1987 c 460 s 43;

(71)RCW 26.10.160 (Visitation rights—Limitations) and 2018 c 183 s 7, 2011 c 89 s 7, 2004 c 38 s 13, 1996 c 303 s 2, 1994 c 267 s 2, 1989 c 326 s 2, & 1987 c 460 s 44;

(72)RCW 26.10.170 (Powers and duties of custodian—Supervision by appropriate agency when necessary) and 1987 c 460 s 45;

(73)RCW 26.10.180 (Remedies when a child is taken, enticed, or concealed) and 2008 c 6 s 1024, 1989 c 375 s 21, & 1987 c 460 s 46;

(74)RCW 26.10.190 (Petitions for modification and proceedings concerning relocation of child—Assessment of attorneys' fees) and 2000 c 21 s 21, 1989 c 375 s 24, & 1987 c 460 s 47;

(75)RCW 26.10.200 (Temporary custody order or modification of custody decree—Affidavits required) and 1987 c 460 s 48;

(76)RCW 26.10.210 (Venue) and 1987 c 460 s 49;

(77)RCW 26.10.220 (Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity) and 2000 c 119 s 22, 1999 c 184 s 11, 1996 c 248 s 10, 1995 c 246 s 30, & 1987 c 460 s 50; and

(78)RCW 26.10.910 (Short title—1987 c 460).

NEW SECTION. Sec. 802. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 803. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This act modifies, limits, or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 804. APPLICABILITY. This chapter applies to:

(1) A proceeding for appointment of a guardian or conservator or for a protective arrangement instead of guardianship or conservatorship commenced after the effective date of this section; and

(2) A guardianship, conservatorship, or protective arrangement instead of a guardianship or conservatorship in existence on the effective date of this section unless the court finds application of a particular provision of this act would substantially interfere with the effective conduct of the proceeding or prejudice the rights of a party, in which case the particular provision of this act does not apply and the superseded law applies.

NEW SECTION. Sec. 805. SEVERABILITY. 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. 806. Articles I through VII and sections 802 through 804 and 807 of this act constitute a new chapter in Title 11 RCW.

NEW SECTION. Sec. 807. EFFECTIVE DATE. This act takes effect January 1, 2021."

Correct the title.
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5604 and ask the House to recede therefrom.

Senators Pedersen and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5604 and ask the House to recede therefrom.

The motion by Senator Pedersen carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5604 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 15, 2019

MR. PRESIDENT:
The House passed SENATE BILL NO. 5640 with the following amendment(s): 5640 AMH VOLZ CLYN 300

On page 1, at the beginning of line 21, strike "to" and insert "through"

On page 2, line 7, after "twelve" strike "to" and insert "through"

On page 2, line 18, after "RCW 9.91.025;" insert "and"

On page 2, at the beginning of line 19, strike all material through "(c)" on line 22 and insert "(((e) May not have any convictions for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025; and (d)) (b)"

On page 6, line 12, after "twelve" strike "to" and insert "through"

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Holy moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5640 and ask the House to recede therefrom.

Senator Holy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Holy that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5640 and ask the House to recede therefrom.

The motion by Senator Holy carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5640 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 15, 2019

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5444 with the following amendment(s): 5444-S2.E AMH ENGR H2884.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that there has been a nationwide increase in the number of individuals with behavioral health disorders in the criminal justice system. The legislature also recognizes that reforms must be made to our own behavioral health systems and services to meet the increasing demands in our state, to provide timely competency evaluations and restoration services, and to comply with federal court orders issued in *A.B., by and through Trueblood, et al., v. DSHS, et al.*, No. 15-35462 ("Trueblood"). The legislature acknowledges that these reforms will require the support of a broad range of stakeholders, including local law enforcement, prosecuting attorneys, defense attorneys, community members, and health care providers. The legislature further acknowledges the significant efforts of the parties to the Trueblood litigation to establish a roadmap and framework within their settlement agreement for proposed systemic reforms to the forensic mental health care system. It is the intent of the legislature to enact appropriate reforms consistent with the goals agreed to in the Trueblood settlement agreement, to continue to engage with stakeholders and community partners to address the needs of this vulnerable population, and to ensure that the public safety needs of our communities are met.

NEW SECTION. Sec. 2. A new section is added to chapter 10.77 RCW to read as follows:

(1) Subject to the limitations described in this section, a court may appoint an impartial forensic navigator employed by or contracted by the department to assist individuals who have been referred for competency evaluation.

(2) A forensic navigator must assist the individual to access services related to diversion and community outpatient competency restoration. The forensic navigator must assist the individual, prosecuting attorney, defense attorney, and the court to understand the options available to the individual and be accountable as an officer of the court for faithful execution of the responsibilities outlined in this section.

(3) The duties of the forensic navigator include, but are not limited to, the following:

(a) To collect relevant information about the individual, including behavioral health services and supports available to the individual that might support placement in outpatient restoration, diversion, or some combination of these;

(b) To meet with, interview, and observe the individual;

(c) To present information to the court in order to assist the court in understanding the treatment options available to the individual to support the entry of orders for diversion from the forensic mental health system or for community outpatient competency restoration, and to facilitate that transition; and

(d) When the individual is ordered to receive community outpatient restoration, to provide services to the individual including:

(i) Assisting the individual with attending appointments and classes relating to outpatient competency restoration;

(ii) Coordinating access to housing for the individual;

(iii) Meeting with the individual on a regular basis;

(iv) Providing information to the court concerning the individual's progress and compliance with court-ordered conditions of release, which may include appearing at court hearings to provide information to the court;

(v) Coordinating the individual's access to community case management services and mental health services;

(vi) Assisting the individual with obtaining prescribed medication and encouraging adherence with prescribed medication;

(vii) Planning for a coordinated transition of the individual to a case manager in the community behavioral health system;

(viii) Attempting to follow up with the individual to check whether the meeting with a community-based case manager took place;

(ix) When the individual is a high utilizer, attempting to connect the individual with high utilizer services; and

(x) Attempting to check up on the individual at least once per month for up to sixty days after coordinated transition to community behavioral health services, without duplicating the services of the community-based case manager.

(4) Forensic navigators may submit nonclinical recommendations to the court regarding treatment and restoration options for the individual, which the court may consider and weigh in conjunction with the recommendations of all of the parties.

(5) Forensic navigators shall be deemed officers of the court for the purpose of immunity from civil liability.

(6) The signed order for competency evaluation from the court shall serve as authority for the forensic navigator to be given access to all records held by a behavioral health, educational, or law enforcement agency or a correctional facility that relates to an individual. Information that is protected by state or federal law, including health information, shall not be entered into the court record without the consent of the individual or their defense attorney.

(7) Admissions made by the individual in the course of receiving services from the forensic navigator may not be used against the individual in the prosecution's case in chief.

(8) A court may not issue an order appointing a forensic navigator unless the department certifies that there is adequate forensic navigator capacity to provide these services at the time the order is issued.

Sec. 3. RCW 10.31.110 and 2014 c 225 s 57 are each amended to read as follows:

(1) When a police officer has reasonable cause to believe that the individual has committed acts constituting a ~~((nonfelony))~~ crime ~~((that is not a serious offense as identified in RCW 10.77.092))~~, and the individual is known by history or

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consultation with the behavioral health organization, managed care organization, behavioral health administrative services organization, crisis hotline, or local crisis services providers to suffer from a mental disorder, in addition to existing authority under state law, as an alternative to arrest, the arresting officer ~~((may))~~ is authorized and encouraged to:

(a) Take the individual to a crisis stabilization unit as defined in RCW 71.05.020~~((6))~~. Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours. The individual must be examined by a mental health professional within three hours of arrival;

(b) Take the individual to a triage facility as defined in RCW 71.05.020. An individual delivered to a triage facility which has elected to operate as an involuntary facility may be held up to a period of twelve hours. The individual must be examined by a mental health professional within three hours of arrival;

(c) Refer the individual to a mental health professional for evaluation for initial detention and proceeding under chapter 71.05 RCW; or

(d) Release the individual upon agreement to voluntary participation in outpatient treatment.

(2) If the individual is released to the community, the mental health provider shall make reasonable efforts to inform the arresting officer of the planned release ~~((within a reasonable period of time after the))~~ prior to release if the arresting officer has specifically requested notification and provided contact information to the provider.

(3) In deciding whether to refer the individual to treatment under this section, the police officer ~~((shall))~~ must be guided by ~~((standards))~~ local law enforcement diversion guidelines for behavioral health developed and mutually agreed upon with the prosecuting authority ~~((which))~~ with an opportunity for consultation and comment by the defense bar and disability community. These guidelines must address, at a minimum, the length, seriousness, and recency of the known criminal history of the individual, the mental health history of the individual, ~~((where))~~ if available, the opinions of a mental health professional, if available, and the circumstances surrounding the commission of the alleged offense. The guidelines must include a process for clearing outstanding warrants or referring the individual for assistance in clearing outstanding warrants, if any, and issuing a new court date, if appropriate, without booking or incarcerating the individual or disqualifying him or her from referral to treatment under this section, and define the circumstances under which such action is permissible.

(4) Any agreement to participate in treatment shall not require individuals to stipulate to any of the alleged facts regarding the criminal activity as a prerequisite to participation in a mental health treatment alternative. The agreement is inadmissible in any criminal or civil proceeding. The agreement does not create immunity from prosecution for the alleged criminal activity.

(5) If an individual violates such agreement and the mental health treatment alternative is no longer appropriate:

(a) The mental health provider shall inform the referring law enforcement agency of the violation; and

(b) The original charges may be filed or referred to the prosecutor, as appropriate, and the matter may proceed accordingly.

(6) The police officer is immune from liability for any good faith conduct under this section.

Sec. 4. RCW 10.77.086 and 2015 1st sp.s. c 7 s 5 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, but in any event for a period of no longer than ninety days, the court~~((~~

~~((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~~

~~((B))~~ May alternatively order the defendant to undergo evaluation and treatment at some other facility or provider as determined by the department, or under the guidance and control of a professional person. The facilities or providers 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 and restoration treatment services must be provided as much as possible within a therapeutic environment.) for competency restoration. Based on a recommendation from a forensic navigator and input from the parties, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration.

(A) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(I) Adhere to medications or receive prescribed intramuscular medication; and

(II) Abstain from alcohol and unprescribed drugs.

(B) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of the department for competency restoration.

(C) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management and regular urinalysis testing for defendants who have a current substance use disorder diagnosis. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(D) If a defendant fails to comply with the restrictions of the outpatient restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the department shall remove the defendant from the outpatient restoration program and place the defendant instead in an appropriate facility of the department for inpatient competency restoration for no longer than the time allowed as if the defendant had been initially placed into inpatient competency restoration, in addition to reasonable time for transport to or from the facility. The department shall notify the court and parties of the change in placement before the close of the next judicial day. The court shall schedule a hearing within five days to review the placement and conditions of release of the defendant and issue appropriate

orders. The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.

(E) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient competency restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(ii) The ninety day period for ~~((evaluation and treatment))~~ competency restoration 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 or the parties agree 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, or if the court or jury at any stage finds that the defendant is incompetent and the court determines that the defendant is unlikely to regain competency, 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. 5. RCW 10.77.088 and 2016 sp.s. c 29 s 411 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:

(a) Shall dismiss the proceedings without prejudice and detain the defendant for sufficient time to allow the designated crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW, unless the prosecutor objects to the dismissal and provides notice of a motion for an order for competency restoration, in which case the court shall schedule a hearing within seven days to determine whether to enter an order of competency restoration.

(b) At the hearing, the prosecuting attorney must establish that there is a compelling state interest to order competency restoration treatment for the defendant. The court may consider prior criminal history, prior history in treatment, prior history of violence, the quality and severity of the pending charges, any history that suggests whether or not competency restoration treatment is likely to be successful, in addition to the factors listed under RCW 10.77.092. If the prosecuting attorney proves by a preponderance of the evidence that there is a compelling state interest in ordering competency restoration, then the court shall order competency restoration in accordance with subsection (2)(a) of this section.

(2)(a) If a court finds pursuant to subsection (1)(b) of this section that there is a compelling state interest in pursuing competency restoration treatment, then the court ~~((~~(b)~~))~~ 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 or provider as determined by the department, or under the guidance and control of a professional person. The facilities or providers 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 and restoration treatment services must be provided as much as possible within a therapeutic environment.))~~ for competency restoration. Based on a recommendation from a forensic navigator and input from the parties, the court may order the defendant to receive inpatient competency restoration or outpatient competency restoration.

(i) To be eligible for an order for outpatient competency restoration, a defendant must be clinically appropriate and be willing to:

(A) Adhere to medications or receive prescribed intramuscular medication; and

(B) Abstain from alcohol and unprescribed drugs.

(ii) If the court orders inpatient competency restoration, the department shall place the defendant in an appropriate facility of

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the department for competency restoration under (b) of this subsection.

(iii) If the court orders outpatient competency restoration, the court shall modify conditions of release as needed to authorize the department to place the person in approved housing, which may include access to supported housing, affiliated with a contracted outpatient competency restoration program. The department, in conjunction with the health care authority, must establish rules for conditions of participation in the outpatient competency restoration program, which must include the defendant being subject to medication management and regular urinalysis testing for defendants who have a current substance use disorder diagnosis. The outpatient competency restoration program shall monitor the defendant during the defendant's placement in the program and report any noncompliance or significant changes with respect to the defendant to the department and, if applicable, the forensic navigator.

(iv) If a defendant fails to comply with the restrictions of the outpatient competency restoration program such that restoration is no longer appropriate in that setting or the defendant is no longer clinically appropriate for outpatient competency restoration, the department shall remove the defendant from the outpatient restoration program. The department shall place the defendant instead in an appropriate facility of the department for inpatient competency restoration for no longer than twenty-nine days regardless of any time spent in outpatient competency restoration, in addition to reasonable time for transport to or from the facility. The department shall notify the court and parties of the change in placement before the close of the next judicial day. The court shall schedule a hearing within five days to review the placement and conditions of release of the defendant and issue appropriate orders. The standard of proof shall be a preponderance of the evidence, and the court may in its discretion render its decision based on written submissions, live testimony, or remote testimony.

(v) The court may not issue an order for outpatient competency restoration unless the department certifies that there is an available appropriate outpatient restoration program that has adequate space for the person at the time the order is issued or the court places the defendant under the guidance and control of a professional person identified in the court order.

(b) The placement under (a) ~~((i) and (ii))~~ of this subsection shall not exceed ~~(fourteen)~~ twenty-nine 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))~~ if the defendant is ordered to receive inpatient competency restoration, or shall not exceed ninety days if the defendant is ordered to receive outpatient competency restoration. The court may order any combination of this subsection, not to exceed ninety days. This period must 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))~~ (c) If the court has determined or the parties agree 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 ~~((e))~~ (d) of this subsection.

~~((e))~~ (d)(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 crisis responder 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))~~ (3) 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 crisis responder 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."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5444.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5444.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5444 by voice vote.

MOTIONS

On motion of Senator Wilson, C., Senator Saldaña was excused.

On motion of Senator Liias, Senator Takko was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5444, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5444, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers,

Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Takko

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5444, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5453 with the following amendment(s): 5453.E AMH ENGR H2718.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 87.03.082 and 2013 c 23 s 488 are each amended to read as follows:

Each director shall take and subscribe an official oath for the faithful discharge of the duties of his or her office (~~(, and shall execute a bond to the district in the sum of one thousand dollars, conditioned for the faithful discharge of his or her duties, which shall be approved by the judge of the superior court of the county where the district was organized,)~~ and the oath (~~(and bond)~~) shall be recorded (~~(in the office of the county clerk of that county)~~) and filed with the secretary of the board of directors. The secretary shall take and subscribe a written oath of office (~~(and execute a bond in the sum of not less than one thousand dollars to be fixed by the directors)~~), which shall be approved and filed as in the case of ~~((the bond of))~~ a director. ~~((If a district is appointed fiscal agent of the United States to collect money for it, the secretary and directors and the district treasurer shall each execute such additional bonds as the secretary of the interior may require, conditioned for the faithful discharge of their duties which shall be approved, recorded, and filed as other official bonds. All such bonds shall be secured at the cost of the district.))~~

Sec. 2. RCW 87.03.435 and 1997 c 354 s 3 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section and RCW 87.03.436, whenever in the construction of the district canal or canals, or other works, or the furnishing of materials therefor, the board of directors shall determine to let a contract or contracts for the doing of the work or the furnishing of the materials, a notice calling for sealed proposals shall be published. The notice shall be published in a newspaper in the county in which the office of the board is situated, ~~((and))~~ in any other newspaper which may be designated by the board, and on the irrigation district's web site or on the county's web site where the district is located if the district does not have a web site, and for such length of time, not less than once each week for two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let the work or the contract for the purchase of materials, either in portions or as a whole, to the lowest responsible bidder, or the board may reject any or all bids and readvertise, or may contract using the small works roster process in RCW 39.04.155 or if no bid is received on the first call the board may readvertise and make a second call or shall solicit electronic or written quotations from a minimum of three qualified contractors and shall award the contract to the lowest responsible bidder. After an

award is made, the quotations shall be open to public inspection and available by electronic request. The district shall attempt to distribute opportunities for projects equitably among contractors willing to perform in the geographic area of the work. The district shall maintain a list of contractors contacted and the contracts awarded during the previous twenty-four months. The district also may proceed to construct the work under its own superintendence. All work shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. The board of directors may require bidders submitting bids for the construction or maintenance for any of the works of the district, or for the furnishing of labor or material, to accompany their bids by a deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid and a bid shall not be considered unless the deposit is enclosed with it. If the contract is let, then all the bid deposits shall be returned to the unsuccessful bidders. The bid deposit of the successful bidder shall be retained until a contract is entered into for the purchase of the materials or doing of such work, and a bond given to the district in accordance with chapter 39.08 RCW for the performance of the contract. The performance bond shall be conditioned as may be required by law and as may be required by resolution of the board, with good and sufficient sureties satisfactory to the board, payable to the district for its use, for at least twenty-five percent of the contract price. If the successful bidder fails to enter into a contract and furnish the necessary bond within twenty days from the award, exclusive of the day of the award, the bid deposit shall be forfeited to the district and the contract may then be awarded to the second lowest bidder.

(2) The provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material.

(3) The provisions of this section do not apply:

(a) In the case of any contract between the district and the United States;

(b) In the case of an emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board of directors or proclamation of an official designated by the board to act for the board during such emergencies. The resolution or proclamation shall declare the existence of the emergency and recite the facts constituting the emergency; or

(c) To purchases which are clearly and legitimately limited to a single source of supply or to purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation.

NEW SECTION. Sec. 3. (1) The Washington association of county officials must conduct a study of irrigation district election-related practices and procedures and recommend best practices to standardize those procedures across all districts. Best practices are those that are equitable and ensure thorough governance of irrigation districts. In conducting this study, the Washington association of county officials may collaborate with the secretary of state, county assessors, county auditors, and other relevant stakeholders as necessary.

(2) The Washington association of county officials must report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2019. At minimum, recommendations for the standardization of election procedures must include procedures to:

- (a) Identify qualified voters and directors;
- (b) Notify qualified voters and directors;
- (c) Deliver and return ballots;
- (d) Identify and count official returns; and

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- (e) Declare the winning candidate."
- Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Short moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5453. Senator Short spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Short that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5453.

The motion by Senator Short carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5453 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5453, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5453, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Takko

ENGROSSED SENATE BILL NO. 5453, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5497 with the following amendment(s): 5497-S2.E AMH ENGR H2878.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that Washington state has a thriving economy that spans both east and west, and encompasses agriculture, food processing, timber, construction, health care, technology, and the hospitality industries.

(2) The legislature also finds that Washington employers rely on a diverse workforce to ensure the economic vitality of the state. Nearly one million Washingtonians are immigrants, which is one out of every seven people in the state. Immigrants make up over sixteen percent of the workforce. In addition, fifteen percent of all business owners in the state were born outside the country, and

these business owners have a large impact on the economy through innovation and the creation of jobs. Immigrants make a significant contribution to the economic vitality of this state, and it is essential that the state have policies that recognize their importance to Washington's economy.

(3) In recognition of this significant contribution to the overall prosperity and strength of Washington state, the legislature, therefore, has a substantial and compelling interest in ensuring the state of Washington remains a place where the rights and dignity of all residents are maintained and protected in order to keep Washington working.

NEW SECTION. Sec. 2. A new section is added to chapter 43.17 RCW to read as follows:

The definitions in this section apply throughout this section and sections 3 through 9 of this act unless the context clearly requires otherwise.

(1) "Civil immigration warrant" means any warrant for a violation of federal civil immigration law issued by a federal immigration authority. A "civil immigration warrant" includes, but is not limited to, administrative warrants issued on forms I-200 or I-203, or their successors, and civil immigration warrants entered in the national crime information center database.

(2) "Court order" means a directive issued by a judge or magistrate under the authority of Article III of the United States Constitution or Article IV of the Washington Constitution. A "court order" includes but is not limited to warrants and subpoenas.

(3) "Federal immigration authority" means any officer, employee, or person otherwise paid by or acting as an agent of the United States department of homeland security including but not limited to its subagencies, immigration and customs enforcement and customs and border protection, and any present or future divisions thereof, charged with immigration enforcement.

(4) "Health facility" has the same meaning as the term "health care facility" provided in RCW 70.175.020, and includes substance abuse treatment facilities.

(5) "Hold request" or "immigration detainer request" means a request from a federal immigration authority, without a court order, that a state or local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to a federal immigration authority. A "hold request" or "immigration detainer request" includes, but is not limited to, department of homeland security form I-247A or prior or subsequent versions of form I-247.

(6) "Immigration detention agreement" means any contract, agreement, intergovernmental service agreement, or memorandum of understanding that permits a state or local law enforcement agency to house or detain individuals for federal civil immigration violations.

(7) "Immigration or citizenship status" means as such status has been established to such individual under the immigration and nationality act.

(8) "Language services" includes but is not limited to translation, interpretation, training, or classes. Translation means written communication from one language to another while preserving the intent and essential meaning of the original text. Interpretation means transfer of an oral communication from one language to another.

(9) "Local government" means any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to, cities, counties, school districts, and special purpose districts.

(10) "Local law enforcement agency" means any agency of a city, county, special district, or other political subdivision of the

state that is a general authority Washington law enforcement agency, as defined by RCW 10.93.020, or that is authorized to operate jails or to maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.

(11) "Notification request" means a request from a federal immigration authority that a state or local law enforcement agency inform a federal immigration authority of the release date and time in advance of the release of an individual in its custody. "Notification request" includes, but is not limited to, the department of homeland security's form I-247A, form I-247N, or prior or subsequent versions of such forms.

(12) "Physical custody of the department of corrections" means only those individuals detained in a state correctional facility but does not include minors detained pursuant to chapter 13.40 RCW, or individuals in community custody as defined in RCW 9.94A.030.

(13) "Public schools" means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board and all institutions of higher education as defined in RCW 28B.10.016.

(14) "School resource officer" means a commissioned law enforcement officer in the state of Washington with sworn authority to uphold the law and assigned by the employing police department or sheriff's office to work in schools to ensure school safety. By building relationships with students, school resource officers work alongside school administrators and staff to help students make good choices. School resource officers are encouraged to focus on keeping students out of the criminal justice system when possible and not impose criminal sanctions in matters that are more appropriately handled within the educational system.

(15) "State agency" has the same meaning as provided in RCW 42.56.010.

(16) "State law enforcement agency" means any agency of the state of Washington that:

(a) Is a general authority Washington law enforcement agency as defined by RCW 10.93.020;

(b) Is authorized to operate prisons or to maintain custody of individuals in prisons; or

(c) Is authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.

NEW SECTION. Sec. 3. A new section is added to chapter 43.330 RCW to read as follows:

(1) A keep Washington working statewide work group is established within the department. The work group must:

(a) Develop strategies with private sector businesses, labor, and immigrant advocacy organizations to support current and future industries across the state;

(b) Conduct research on methods to strengthen career pathways for immigrants and create and enhance partnerships with projected growth industries;

(c) Support business and agriculture leadership, civic groups, government, and immigrant advocacy organizations in a statewide effort to provide predictability and stability to the workforce in the agriculture industry; and

(d) Recommend approaches to improve Washington's ability to attract and retain immigrant business owners that provide new business and trade opportunities.

(2) The work group must consist of eleven representatives, each serving a term of three years, representing members from geographically diverse immigrant advocacy groups, professional associations representing business, labor organizations with a statewide presence, agriculture and immigrant legal interests,

faith-based community nonprofit organizations, legal advocacy groups focusing on immigration and criminal justice, academic institutions, and law enforcement. The terms of the members must be staggered. Members of the work group must select a chair from among the membership. The work group must meet at least four times a year and hold meetings in various locations throughout the state. Following each meeting, the work group must report on its status, including meeting minutes and a meeting summary to the department. The department must provide a report to the legislature annually.

(3) In addition to the duties and powers described in RCW 43.330.040, it is the director's duty to provide support to the work group.

(4) The definitions in section 2 of this act apply to this section.

NEW SECTION. Sec. 4. A new section is added to chapter 43.10 RCW to read as follows:

(1) The attorney general, in consultation with appropriate stakeholders, must publish model policies within twelve months after the effective date of this section for limiting immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, health facilities operated by the state or a political subdivision of the state, courthouses, and shelters, to ensure they remain safe and accessible to all Washington residents, regardless of immigration or citizenship status.

(2) All public schools, health facilities either operated by the state or a political subdivision of the state, and courthouses must:

(a) Adopt necessary changes to policies consistent with the model policy; or

(b) Notify the attorney general that the agency is not adopting the changes to its policies consistent with the model policy, state the reasons that the agency is not adopting the changes, and provide the attorney general with a copy of the agency's policies.

(3) All other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, are encouraged to adopt the model policy.

(4) Implementation of any policy under this section must be in accordance with state and federal law; policies, grants, waivers, or other requirements necessary to maintain funding; or other agreements related to the operation and functions of the organization, including databases within the organization.

(5) The definitions in section 2 of this act apply to this section.

NEW SECTION. Sec. 5. A new section is added to chapter 43.17 RCW to read as follows:

(1) Except as provided in subsection (3) of this section, no state agency, including law enforcement, may use agency funds, facilities, property, equipment, or personnel to investigate, enforce, cooperate with, or assist in the investigation or enforcement of any federal registration or surveillance programs or any other laws, rules, or policies that target Washington residents solely on the basis of race, religion, immigration, or citizenship status, or national or ethnic origin. This subsection does not apply to any program with the primary purpose of providing persons with services or benefits, or to RCW 9.94A.685.

(2) Except as provided in subsection (3) of this section, the state agencies listed in subsections (5) and (6) of this section shall review their policies and identify and make any changes necessary to ensure that:

(a) Information collected from individuals is limited to the minimum necessary to comply with subsection (3) of this section;

(b) Information collected from individuals is not disclosed except as necessary to comply with subsection (3) of this section or as permitted by state or federal law;

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(c) Agency employees may not condition services or request information or proof regarding a person's immigration status, citizenship status, or place of birth; and

(d) Public services are available to, and agency employees shall serve, all Washington residents without regard to immigration or citizenship status.

(3) Nothing in subsection (1) or (2) of this section prohibits the collection, use, or disclosure of information that is:

(a) Required to comply with state or federal law;

(b) In response to a lawfully issued court order;

(c) Necessary to perform agency duties, functions, or other business, as permitted by statute or rule, conducted by the agency that is not related to immigration enforcement;

(d) Required to comply with policies, grants, waivers, or other requirements necessary to maintain funding; or

(e) In the form of deidentified or aggregated data, including census data.

(4) Any changes to agency policies required by this section must be made as expeditiously as possible, consistent with agency procedures. Final policies must be published.

(5) The following state agencies shall begin implementation of this section within twelve months after the effective date of this section and demonstrate full compliance by December 1, 2021:

(a) Department of licensing;

(b) Department of labor and industries;

(c) Employment security department;

(d) Department of revenue;

(e) Department of health;

(f) Health care authority;

(g) Department of social and health services;

(h) Department of children, youth, and families;

(i) Office of the superintendent of public instruction;

(j) State patrol.

(6) The following state agencies may begin implementation of this section by December 1, 2021, and must demonstrate full compliance by December 1, 2023:

(a) Department of agriculture;

(b) Department of financial institutions;

(c) Department of fish and wildlife;

(d) Department of natural resources;

(e) Department of retirement systems;

(f) Department of services for the blind;

(g) Department of transportation.

NEW SECTION. Sec. 6. A new section is added to chapter 10.93 RCW to read as follows:

(1) The definitions contained in section 2 of this act apply to this section.

(2) The legislature finds that it is not the primary purpose of state and local law enforcement agencies or school resource officers to enforce civil federal immigration law. The legislature further finds that the immigration status of an individual or an individual's presence in, entry, or reentry to, or employment in the United States alone, is not a matter for police action, and that United States federal immigration authority has primary jurisdiction for enforcement of the provisions of Title 8 U.S.C. dealing with illegal entry.

(3) School resource officers, when acting in their official capacity as a school resource officer, may not:

(a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth; or

(b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.

(4) State and local law enforcement agencies may not:

(a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law; or

(b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.

(5) State and local law enforcement agencies may not provide nonpublicly available personal information about an individual, including individuals subject to community custody pursuant to RCW 9.94A.701 and 9.94A.702, to federal immigration authorities in a noncriminal matter, except as required by state or federal law.

(6)(a) State and local law enforcement agencies may not give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or by (b) of this subsection.

(b) Permission may be granted to a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in the custody of a state or local law enforcement agency if the person consents in writing to be interviewed. In order to obtain consent, agency staff shall provide the person with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present. The form must state explicitly that the person will not be punished or suffer retaliation for declining to be interviewed. The form must be available at least in English and Spanish and explained orally to a person who is unable to read the form, using, when necessary, an interpreter from the district communications center "language line" or other district resources.

(7) An individual may not be detained solely for the purpose of determining immigration status.

(8) An individual must not be taken into custody, or held in custody, solely for the purposes of determining immigration status or based solely on a civil immigration warrant, or an immigration hold request.

(9)(a) To ensure compliance with all treaty obligations, including consular notification, and state and federal laws, on the commitment or detainment of any individual, state and local law enforcement agencies must explain in writing:

(i) The individual's right to refuse to disclose their nationality, citizenship, or immigration status; and

(ii) That disclosure of their nationality, citizenship, or immigration status may result in civil or criminal immigration enforcement, including removal from the United States.

(b) Nothing in this subsection allows for any violation of subsection (4) of this section.

(10) A state and local government or law enforcement agency may not deny services, benefits, privileges, or opportunities to individuals in custody, or under community custody pursuant to RCW 9.94A.701 and 9.94A.702, or in probation status, on the basis of the presence of an immigration detainer, hold, notification request, or civil immigration warrant, except as required by law or as necessary for classification or placement purposes for individuals in the physical custody of the department of corrections.

(11) No state or local law enforcement officer may enter into any contract, agreement, or arrangement, whether written or oral, that would grant federal civil immigration enforcement authority or powers to state and local law enforcement officers, including but not limited to agreements created under 8 U.S.C. Sec. 1357(g), also known as 287(g) agreements.

(12)(a) No state agency or local government or law enforcement officer may enter into an immigration detention agreement. All immigration detention agreements must be terminated no later than one hundred eighty days after the effective date of this section, except as provided in (b) of this subsection.

(b) Any immigration detention agreement in effect prior to January 1, 2019, and under which a payment was made between July 1, 2017, and December 31, 2018, may remain in effect until the date of completion or December 31, 2021, whichever is earlier.

(13) No state or local law enforcement agency or school resource officer may enter into or renew a contract for the provision of language services from federal immigration authorities, nor may any language services be accepted from such for free or otherwise.

(14) The department of corrections may not give federal immigration authorities access to interview individuals about federal immigration violations while they are in custody, except as required by state or federal law or by court order, unless such individuals consent to be interviewed in writing. Before agreeing to be interviewed, individuals must be advised that they will not be punished or suffer retaliation for declining to be interviewed.

(15) Subsections (3) through (6) of this section do not apply to individuals who are in the physical custody of the department of corrections.

(16) Nothing in this section prohibits the collection, use, or disclosure of information that is:

- (a) Required to comply with state or federal law; or
- (b) In response to a lawfully issued court order.

NEW SECTION. Sec. 7. To ensure state and law enforcement agencies are able to foster the community trust necessary to maintain public safety, within twelve months of the effective date of this section, the attorney general must, in consultation with appropriate stakeholders, publish model policies, guidance, and training recommendations consistent with this act and state and local law, aimed at ensuring that state and local law enforcement duties are carried out in a manner that limits, to the fullest extent practicable and consistent with federal and state law, engagement with federal immigration authorities for the purpose of immigration enforcement. All state and local law enforcement agencies must either:

- (1) Adopt policies consistent with that guidance; or
- (2) Notify the attorney general that the agency is not adopting the guidance and model policies, state the reasons that the agency is not adopting the model policies and guidance, and provide the attorney general with a copy of the agency's policies to ensure compliance with this act.

NEW SECTION. Sec. 8. No section of this act is intended to limit or prohibit any state or local agency or officer from:

- (1) Sending to, or receiving from, federal immigration authorities the citizenship or immigration status of a person, or maintaining such information, or exchanging the citizenship or immigration status of an individual with any other federal, state, or local government agency, in accordance with 8 U.S.C. Sec. 1373; or
- (2) Complying with any other state or federal law.

NEW SECTION. Sec. 9. 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 conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under

this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- (1)RCW 10.70.140 (Aliens committed—Notice to immigration authority) and 1992 c 7 s 29 & 1925 ex.s. c 169 s 1; and
- (2)RCW 10.70.150 (Aliens committed—Copies of clerk's records) and 1925 ex.s. c 169 s 2.

NEW SECTION. Sec. 11. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5497.

Senator Wellman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5497.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5497 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5497, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5497, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Takko

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5497, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2019

MR. PRESIDENT:

The House passed SENATE BILL NO. 5506 with the following amendment(s): 5506 AMH TR H2750.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.38.020 and 1984 c 7 s 205 are each amended to read as follows:

(1) Except where specifically authorized by the department, it is unlawful for any person or persons to stop, stand, or park any vehicle, including but not limited to trailers, campers, and motorcycles, for more than eight hours within a twenty-four hour period, or for any person or persons to camp or to maintain a camp, tent, or other sleeping accommodation or facility, in any ~~(rest area or)~~ safety rest area within the limits of the right-of-way of interstate highways or other state highways or in other areas of state or interstate highways as designated in RCW 47.12.250. ~~((This section does not apply to disabled vehicles.))~~ The department may also designate zones within a safety rest area with shorter parking time limits for the purposes of maximum efficiency and safety. Commercial vehicles may park up to an hour beyond federally mandated rest periods.

(2) Except where specifically authorized by the department, it is unlawful for any person or persons to stop, stand, or park any disabled vehicle, including but not limited to trailers, campers, and motorcycles, in any safety rest area for more than forty-eight hours, after which time the vehicle is subject to mandatory impoundment under RCW 46.55.080(1).

(3) The department shall post appropriate signage consistent with RCW 46.55.070(1) at all safety rest areas regarding the parking time limits in this section.

(4) The Washington state patrol shall enforce this section consistent with RCW 46.55.080(1), and to the maximum extent practicable."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Senate Bill No. 5506.

Senator Hobbs spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Senate Bill No. 5506.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5506 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5506, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5506, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, McCoy, Mullet, O'Ban,

Padden, Pedersen, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Das, Lovelett, Nguyen, Palumbo, Randall and Wellman

Excused: Senator Takko

SENATE BILL NO. 5506, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5511 with the following amendment(s): 5511-S2 AMH CB H2784.2

Strike everything after the enacting clause and insert the following:

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

(1) Access to broadband is critical to full participation in society and the modern economy;

(2) Increasing broadband access to unserved areas of the state serves a fundamental governmental purpose and function and provides a public benefit to the citizens of Washington by enabling access to health care, education, and essential services, providing economic opportunities, and enhancing public health and safety;

(3) Achieving affordable and quality broadband access for all Washingtonians will require additional and sustained investment, research, local and community participation, and partnerships between private, public, and nonprofit entities;

(4) The federal communications commission has adopted a national broadband plan that includes recommendations directed to federal, state, and local governments, including recommendations to:

(a) Design policies to ensure robust competition and maximize consumer welfare, innovation, and investment;

(b) Ensure efficient allocation and management of assets that the government controls or influences to encourage network upgrades and competitive entry;

(c) Reform current universal service mechanisms to support deployment in high-cost areas, ensuring that low-income Americans can afford broadband, and supporting efforts to boost adoption and utilization; and

(d) Reform laws, policies, standards, and incentives to maximize the benefits of broadband in sectors that government influences significantly, such as public education, health care, and government operations;

(5) Extensive investments have been made by the telecommunications industry and the public sector, as well as policies and programs adopted to provide affordable broadband services throughout the state, that will provide a foundation to build a comprehensive statewide framework for additional actions needed to advance the state's broadband goals; and

(6) Providing additional funding mechanisms to increase broadband access in unserved areas is in the best interest of the state. To that end, this act establishes a grant and loan program that will support the extension of broadband infrastructure to unserved areas. To ensure this program primarily serves the public interest, the legislature intends that any grant or loan provided to a private entity under this program must be

conditioned on a guarantee that the asset or infrastructure to be developed will be maintained for public use for a period of at least fifteen years.

NEW SECTION. Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout this section and sections 3 through 6 of this act unless the context clearly requires otherwise.

(1) "Board" means the public works board established in RCW 43.155.030.

(2) "Broadband" or "broadband service" means any service providing advanced telecommunications capability and internet access with transmission speeds that, at a minimum, provide twenty-five megabits per second download and three megabits per second upload.

(3) "Broadband infrastructure" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services to end users.

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

(5) "Last mile infrastructure" means broadband infrastructure that serves as the final connection from a broadband service provider's network to the end-use customer's on-premises telecommunications equipment.

(6) "Local government" includes cities, towns, counties, municipal corporations, public port districts, public utility districts, quasi-municipal corporations, special purpose districts, and multiparty entities comprised of public entity members.

(7) "Middle mile infrastructure" means broadband infrastructure that links a broadband service provider's core network infrastructure to last mile infrastructure.

(8) "Office" means the governor's statewide broadband office established in section 3 of this act.

(9) "Tribe" means any federally recognized Indian tribe whose traditional lands and territories included parts of Washington.

(10) "Unserved areas" means areas of Washington in which households and businesses lack access to broadband service, as defined by the office, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload.

NEW SECTION. Sec. 3. A new section is added to chapter 43.330 RCW to read as follows:

(1) The governor's statewide broadband office is established. The director of the office must be appointed by the governor. The office may employ staff necessary to carry out the office's duties as prescribed by this act, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to encourage, foster, develop, and improve affordable, quality broadband within the state in order to:

(a) Drive job creation, promote innovation, improve economic vitality, and expand markets for Washington businesses;

(b) Serve the ongoing and growing needs of Washington's education systems, health care systems, public safety systems, industries and business, governmental operations, and citizens; and

(c) Improve broadband accessibility for unserved communities and populations.

NEW SECTION. Sec. 4. A new section is added to chapter 43.330 RCW to read as follows:

(1) The office has the power and duty to:

(a) Serve as the central broadband planning body for the state of Washington;

(b) Coordinate with local governments, tribes, public and private entities, nonprofit organizations, and consumer-owned and investor-owned utilities to develop strategies and plans promoting deployment of broadband infrastructure and greater broadband access, while protecting proprietary information;

(c) Review existing broadband initiatives, policies, and public and private investments;

(d) Develop, recommend, and implement a statewide plan to encourage cost-effective broadband access and to make recommendations for increased usage, particularly in rural and other unserved areas;

(e) Update the state's broadband goals and definitions for broadband service in unserved areas as technology advances, except that the state's definition for broadband service may not be actual speeds less than twenty-five megabits per second download and three megabits per second upload; and

(f) Encourage public-private partnerships to increase deployment and adoption of broadband services and applications.

(2) When developing plans or strategies for broadband deployment, the office must consider:

(a) Partnerships between communities, tribes, nonprofit organizations, local governments, consumer-owned and investor-owned utilities, and public and private entities;

(b) Funding opportunities that provide for the coordination of public, private, state, and federal funds for the purposes of making broadband infrastructure or broadband services available to rural and unserved areas of the state;

(c) Barriers to the deployment, adoption, and utilization of broadband service, including affordability of service; and

(d) Requiring minimum broadband service of twenty-five megabits per second download and three megabits per second upload speed, that is scalable to faster service.

(3) The office may assist applicants for the grant and loan program created in section 7 of this act with seeking federal funding or matching grants and other grant opportunities for deploying broadband services.

(4) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the statewide broadband account created in section 8 of this act.

(5) In carrying out its purpose, the office may collaborate with the utilities and transportation commission, the office of the chief information officer, the department of commerce, the community economic revitalization board, the public works board, the state librarian, and all other relevant state agencies.

NEW SECTION. Sec. 5. A new section is added to chapter 43.330 RCW to read as follows:

It is a goal of the state of Washington that:

(1) By 2024, all Washington businesses and residences have access to high-speed broadband that provides minimum download speeds of at least twenty-five megabits per second and minimum upload speeds of at least three megabits per second;

(2) By 2026, all Washington communities have access to at least one gigabit per second symmetrical broadband service at anchor institutions like schools, hospitals, libraries, and government buildings; and

(3) By 2028, all Washington businesses and residences have access to at least one provider of broadband with download speeds of at least one hundred fifty megabits per second and upload speeds of at least one hundred fifty megabits per second.

NEW SECTION. Sec. 6. A new section is added to chapter 43.330 RCW to read as follows:

(1) Beginning January 1, 2021, and biennially thereafter, the office shall report to the legislative committees with jurisdiction

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over broadband policy and finance on the office's activities during the previous two years.

(2) The report must, at a minimum, contain:

(a) An analysis of the current availability and use of broadband, including average broadband speeds, within the state;

(b) Information gathered from schools, libraries, hospitals, and public safety facilities across the state, determining the actual speed and capacity of broadband currently in use and the need, if any, for increases in speed and capacity to meet current or anticipated needs;

(c) An overview of incumbent broadband infrastructure within the state;

(d) A summary of the office's activities in coordinating broadband infrastructure development with the public works board, including a summary of funds awarded under section 7 of this act;

(e) Suggested policies, incentives, and legislation designed to accelerate the achievement of the goals under section 5 of this act; and

(f) Any proposed legislative and policy initiatives.

NEW SECTION. Sec. 7. A new section is added to chapter 43.155 RCW to read as follows:

(1) The board, in collaboration with the office, shall establish a competitive grant and loan program to award funding to eligible applicants in order to promote the expansion of access to broadband service in unserved areas of the state.

(2)(a) Grants and loans may be awarded under this section to assist in funding acquisition, installation, and construction of middle mile and last mile infrastructure that supports broadband services and to assist in funding strategic planning for deploying broadband service in unserved areas.

(b) The board may choose to fund all or part of an application for funding, provided that the application meets the requirements of subsection (9) of this section.

(3) Eligible applicants for grants and loans awarded under this section include:

(a) Local governments;

(b) Tribes;

(c) Nonprofit organizations;

(d) Cooperative associations;

(e) Multiparty entities comprised of public entity members;

(f) Limited liability corporations organized for the purpose of expanding broadband access; and

(g) Incorporated businesses or partnerships.

(4)(a) The board shall develop administrative procedures governing the application and award process. The board shall act as fiscal agent for the program and is responsible for receiving and reviewing applications and awarding funds under this section.

(b) At least sixty days prior to the first day applications may be submitted each fiscal year, the board must publish on its web site the specific criteria and any quantitative weighting scheme or scoring system that the board will use to evaluate or rank applications and award funding.

(c) The board may maintain separate accounting in the statewide broadband account created in section 8 of this act as the board deems necessary to carry out the purposes of this section.

(d) The board must provide a method for the allocation of loans, grants, provision of technical assistance, and interest rates under this section.

(5) An applicant for a grant or loan under this section must provide the following information on the application:

(a) The location of the project;

(b) Evidence regarding the unserved nature of the community in which the project is to be located;

(c) Evidence that proposed infrastructure will be capable of scaling to greater download and upload speeds;

(d) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;

(e) The estimated cost of retail services to end users facilitated by a project;

(f) The proposed actual download and upload speeds experienced by end users;

(g) Evidence of significant community institutions that will benefit from the proposed project;

(h) Anticipated economic, educational, health care, or public safety benefits created by the project;

(i) Evidence of community support for the project;

(j) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of newly available broadband services created by the project;

(k) The estimated total cost of the project;

(l) Other sources of funding for the project that will supplement any grant or loan award;

(m) A demonstration of the project's long-term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;

(n) A strategic plan to maintain long-term operation of the infrastructure;

(o) Evidence that no later than six weeks before submission of the application, the applicant contacted, in writing, all entities providing broadband service near the proposed project area to ask each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the state's definition for broadband service as defined in section 2 of this act, within the time frame specified in the proposed grant or loan activities;

(p) If applicable, the broadband service providers' written responses to the inquiry made under (o) of this subsection; and

(q) Any additional information requested by the board.

(6)(a) Within thirty days of the close of the grant and loan application process, the board shall publish on its web site the proposed geographic broadband service area and the proposed broadband speeds for each application submitted.

(b) Any existing broadband service provider near the proposed project area may, within thirty days of publication of the information under (a) of this subsection, submit in writing to the board an objection to an application. An objection must contain information demonstrating that:

(i) The project would result in overbuild, meaning that the objecting provider currently provides, or has begun construction to provide, broadband service to end users in the proposed project area at speeds equal to or greater than the state speed goals contained in section 5 of this act; or

(ii) The objecting provider commits to complete construction of broadband infrastructure and provide broadband service to end users in the proposed project area at speeds equal to or greater than the state speed goals contained in section 5 of this act, no later than twenty-four months after the date awards are made under this section for the grant and loan cycle under which the application was submitted.

(c) Objections submitted to the board under this subsection must be certified by affidavit.

(d) The board may evaluate the information submitted under this section by the objecting provider and must consider it in making a determination on the application objected to. The board may request clarification or additional information. The board may choose to not fund a project if the board determines that the objecting provider's commitment to provide broadband service

that meets the requirements of (b) of this subsection in the proposed project area is credible. In assessing the commitment, the board may consider whether the objecting provider has or will provide a bond, letter of credit, or other indicia of financial commitment guaranteeing the project's completion.

(e) If the board denies funding to an applicant as a result of a broadband service provider's objection made under this section, and the broadband service provider does not fulfill its commitment to provide broadband service in the project area, then for the following two grant and loan cycles, the board is prohibited from denying funding to an applicant on the basis of a challenge by the same broadband service provider, unless the board determines that the broadband service provider's failure to fulfill the provider's commitment was the result of factors beyond the broadband service provider's control. The board is not prohibited from denying funding to an applicant for reasons other than an objection by the same broadband service provider.

(f) An applicant or broadband service provider that objected to the application may request a debriefing conference regarding the board's decision on the application. Requests for debriefing must be coordinated by the office and must be submitted in writing in accordance with procedures specified by the office.

(g) Confidential business and financial information submitted by an objecting provider under this subsection is exempt from disclosure under chapter 42.56 RCW.

(7)(a) In evaluating applications and awarding funds, the board shall give priority to applications that are constructed in areas identified as unserved.

(b) In evaluating applications and awarding funds, the board may give priority to applications that:

(i) Provide assistance to public-private partnerships deploying broadband infrastructure from areas currently served with broadband service to areas currently lacking access to broadband services;

(ii) Demonstrate project readiness to proceed;

(iii) Construct infrastructure that is open access, meaning that during the useful life of the infrastructure, service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employing accountable interconnection arrangements published and available publicly;

(iv) Are submitted by tribal governments whose reservations are in rural and remote areas where reliable and efficient broadband services are unavailable to many or most residents;

(v) Bring broadband service to tribal lands, particularly to rural and remote tribal lands or areas servicing rural and remote tribal entities;

(vi) Are submitted by tribal governments in rural and remote areas that have spent significant amounts of tribal funds to address the problem but cannot provide necessary broadband services without either additional state support, additional federal support, or both;

(vii) Serve economically distressed areas of the state as the term "distressed area" is defined in RCW 43.168.020;

(viii) Offer new or substantially upgraded broadband service to important community anchor institutions including, but not limited to, libraries, educational institutions, public safety facilities, and health care facilities;

(ix) Facilitate the use of telemedicine and electronic health records, especially in deliverance of behavioral health services and services to veterans;

(x) Provide technical support and train residents, businesses, and institutions in the community served by the project to utilize broadband service;

(xi) Include a component to actively promote the adoption of newly available broadband services in the community;

(xii) Provide evidence of strong support for the project from citizens, government, businesses, and community institutions;

(xiii) Provide access to broadband service to a greater number of unserved households and businesses, including farms;

(xiv) Utilize equipment and technology demonstrating greater longevity of service;

(xv) Seek the lowest amount of state investment per new location served and leverage greater amounts of funding for the project from other private and public sources;

(xvi) Include evidence of a customer service plan;

(xvii) Consider leveraging existing broadband infrastructure and other unique solutions;

(xviii) Benefit public safety and fire preparedness; or

(xix) Demonstrate other priorities as the board, in collaboration with the office, may prescribe by rule.

(c) The board shall endeavor to award funds under this section to qualified applicants in all regions of the state.

(d) The board shall consider affordability and quality of service to end users in making a determination on any application.

(e) The board, in collaboration with the office, may develop additional rules for eligibility, project applications, the associated objection process, and funding priority, as provided under this subsection and subsections (3), (5), and (6) of this section.

(f) The board, in collaboration with the office, may adopt rules for a voluntary nonbinding mediation between incumbent providers and applicants to the grant and loan program created in this section.

(8) To ensure a grant or loan to a private entity under this section primarily serves the public interest and benefits the public, any such grant or loan must be conditioned on a guarantee that the asset or infrastructure to be developed will be maintained for public use for a period of at least fifteen years.

(9)(a) No funds awarded under this section may fund more than fifty percent of the total cost of the project, except as provided in (b) of this subsection.

(b) The board may choose to fund up to ninety percent of the total cost of a project in financially distressed areas as the term "distressed area" is defined in RCW 43.168.020, and in areas identified as Indian country as the term "Indian country" is defined in WAC 458-20-192.

(c) Funds awarded to a single project under this section must not exceed two million dollars, except that the board may choose to fund projects qualifying for the exception in (b) of this subsection up to, but not to exceed, five million dollars.

(10) Prior to awarding funds under this section, the board must consult with the Washington utilities and transportation commission. The commission must provide to the board an assessment of the technical feasibility of a proposed application. The board must consider the commission's assessment as part of its evaluation of a proposed application.

(11) The board shall have such rights of recovery in the event of default in payment or other breach of financing agreement as may be provided in the agreement or otherwise by law.

(12) The community economic revitalization board shall facilitate the timely transmission of information and documents from its broadband program to the board in order to effectuate an orderly transition.

(13) The definitions in section 2 of this act apply throughout this section unless the context clearly requires otherwise.

NEW SECTION. Sec. 8. A new section is added to chapter 43.155 RCW to read as follows:

(1) The statewide broadband account is created in the state treasury. Moneys received from appropriations by the legislature, the proceeds of bond sales when authorized by the legislature, repayment of loans, or any other lawful source must be deposited

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into the account for uses consistent with this section. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may be used only:

(a) For grant and loan awards made under section 7 of this act, including costs incurred by the board to administer section 7 of this act;

(b) To contract for data acquisition, a statewide broadband demand assessment, or gap analysis;

(c) To supplement revenues raised by bonds sold by local governments for broadband infrastructure development; or

(d) To provide for state match requirements under federal law.

(3) The board must maintain separate accounting for any federal funds in the account.

(4) The definitions in section 2 of this act apply throughout this section unless the context clearly requires otherwise.

Sec. 9. RCW 54.16.330 and 2004 c 158 s 1 are each amended to read as follows:

(1)~~(a)~~ A public utility district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

~~((a))~~ (i) For the district's internal telecommunications needs;

~~(and~~ ~~(b))~~ (ii) For the provision of wholesale telecommunications services within the district and by contract with another public utility district.

(b) Except as provided in subsection (8) of this section, nothing in this ((subsection)) section shall be construed to authorize public utility districts to provide telecommunications services to end users.

(2) A public utility district providing wholesale or retail telecommunications services shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a public utility district offering rates, terms, and conditions to an entity for wholesale or retail telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) A public utility district providing wholesale or retail telecommunications services shall not be required to, but may, establish a separate utility system or function for such purpose. In either case, a public utility district providing wholesale or retail telecommunications services shall separately account for any revenues and expenditures for those services according to standards established by the state auditor pursuant to its authority in chapter 43.09 RCW and consistent with the provisions of this title. Any revenues received from the provision of wholesale or retail telecommunications services must be dedicated to costs incurred to build and maintain any telecommunications facilities constructed, installed, or acquired to provide such services, including payments on debt issued to finance such services, until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance such telecommunications facilities are discharged or retired.

(4) When a public utility district provides wholesale or retail telecommunications services, all telecommunications services rendered to the district for the district's internal telecommunications needs shall be allocated or charged at its true and full value. A public utility district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale or retail telecommunications services.

(5) If a person or entity receiving retail telecommunications services from a public utility district under this section has a complaint regarding the reasonableness of the rates, terms, conditions, or services provided, the person or entity may file a complaint with the district commission.

(6) A public utility district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

~~((6))~~ (7) Except as otherwise specifically provided, a public utility district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a public utility district under this title.

(8)(a) If an internet service provider operating on telecommunications facilities of a public utility district that provides wholesale telecommunications services but does not provide retail telecommunications services, ceases to provide access to the internet to its end-use customers, and no other retail service providers are willing to provide service, the public utility district may provide retail telecommunications services to the end-use customers of the defunct internet service provider in order for end-use customers to maintain access to the internet until a replacement internet service provider is, or providers are, in operation.

(b) Within thirty days of an internet service provider ceasing to provide access to the internet, the public utility district must initiate a process to find a replacement internet service provider or providers to resume providing access to the internet using telecommunications facilities of a public utility district.

(c) For a maximum period of five months, following initiation of the process begun in (b) of this section, or, if earlier than five months, until a replacement internet service provider is, or providers are, in operation, the district commission may establish a rate for providing access to the internet and charge customers to cover expenses necessary to provide access to the internet.

(9) The tax treatment of the retail telecommunications services provided by a public utility district to the end-use customers during the period specified in subsection (8) of this section must be the same as if those retail telecommunications services were provided by the defunct internet service provider.

Sec. 10. RCW 53.08.370 and 2018 c 169 s 2 are each amended to read as follows:

(1) A port district in existence on June 8, 2000, may construct, purchase, acquire, develop, finance, lease, license, handle, provide, add to, contract for, interconnect, alter, improve, repair, operate, and maintain any telecommunications facilities within or without the district's limits for the following purposes:

(a) For the district's own use; and

(b) For the provision of wholesale telecommunications services within or without the district's limits. Nothing in this subsection shall be construed to authorize port districts to provide telecommunications services to end users.

(2) Except as provided in subsection (9) of this section, a port district providing wholesale telecommunications services under this section shall ensure that rates, terms, and conditions for such services are not unduly or unreasonably discriminatory or preferential. Rates, terms, and conditions are discriminatory or preferential when a port district offering such rates, terms, and conditions to an entity for wholesale telecommunications services does not offer substantially similar rates, terms, and conditions to all other entities seeking substantially similar services.

(3) When a port district establishes a separate utility function for the provision of wholesale telecommunications services, it

shall account for any and all revenues and expenditures related to its wholesale telecommunications facilities and services separately from revenues and expenditures related to its internal telecommunications operations. Any revenues received from the provision of wholesale telecommunications services must be dedicated to the utility function that includes the provision of wholesale telecommunications services for costs incurred to build and maintain the telecommunications facilities until such time as any bonds or other financing instruments executed after June 8, 2000, and used to finance the telecommunications facilities are discharged or retired.

(4) When a port district establishes a separate utility function for the provision of wholesale telecommunications services, all telecommunications services rendered by the separate function to the district for the district's internal telecommunications needs shall be charged at its true and full value. A port district may not charge its nontelecommunications operations rates that are preferential or discriminatory compared to those it charges entities purchasing wholesale telecommunications services.

(5) A port district shall not exercise powers of eminent domain to acquire telecommunications facilities or contractual rights held by any other person or entity to telecommunications facilities.

(6) Except as otherwise specifically provided, a port district may exercise any of the powers granted to it under this title and other applicable laws in carrying out the powers authorized under this section. Nothing in chapter 81, Laws of 2000 limits any existing authority of a port district under this title.

(7) A port district that has not exercised the authorities provided in this section prior to June 7, 2018, must develop a business case plan before exercising the authorities provided in this section. The port district must procure an independent qualified consultant to review the business case plan, including the use of public funds in the provision of wholesale telecommunications services. Any recommendations or adjustments to the business case plan made during third-party review must be received and either rejected or accepted by the port commission in an open meeting.

(8) A port district with telecommunications facilities for use in the provision of wholesale telecommunications in accordance with subsection (1)(b) of this section may be subject to local leasehold excise taxes under RCW 82.29A.040.

(9)(a) A port district under this section may select a telecommunications company to operate all or a portion of the port district's telecommunications facilities.

(b) For the purposes of this section "telecommunications company" means any for-profit entity owned by investors that sells telecommunications services to end users.

(c) Nothing in this subsection (9) is intended to limit or otherwise restrict any other authority provided by law.

Sec. 11. RCW 80.36.630 and 2013 2nd sp.s. c 8 s 202 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context clearly requires otherwise.

(a) "Basic residential service" means those services set out in 47 C.F.R. Sec. 54.101(a) (2011), as it existed on the effective date of this section, and mandatory extended area service approved by the commission.

(b) "Basic telecommunications services" means the following services:

- (i) Single-party service;
- (ii) Voice grade access to the public switched network;
- (iii) Support for local usage;
- (iv) Dual tone multifrequency signaling (touch-tone);
- (v) Access to emergency services (911);

- (vi) Access to operator services;
- (vii) Access to interexchange services;
- (viii) Access to directory assistance; and
- (ix) Toll limitation services.

(c) "Broadband service" means any service providing advanced telecommunications capability, including internet access and access to high quality voice, data, graphics, or video.

(d) "Communications provider" means a provider of communications services that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

~~((d))~~ (e) "Communications services" includes telecommunications services and information services and any combination thereof.

~~((e))~~ (f) "Incumbent local exchange carrier" has the same meaning as set forth in 47 U.S.C. Sec. 251(h).

~~((f))~~ (g) "Incumbent public network" means the network established by incumbent local exchange carriers for the delivery of communications services to customers that is used by communications providers for origination or termination of communications services by or to customers.

~~((g))~~ (h) "Interconnected voice over internet protocol service" means an interconnected voice over internet protocol service that: ~~((a)-(i))~~ (i) Enables real-time, two-way voice communications; ~~((b)-(ii))~~ (ii) requires a broadband connection from the user's location; ~~((c)-(iii))~~ (iii) requires internet protocol-compatible customer premises equipment; and ~~((d)-(iv))~~ (iv) permits users generally to receive calls that originate on the public network and to terminate calls to the public network.

~~((h))~~ (i) "Program" means the state universal communications services program created in RCW 80.36.650.

~~((i))~~ (j) "Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

~~((j))~~ (k) "Telecommunications act of 1996" means the telecommunications act of 1996 (P.L. 104-104, 110 Stat. 56).

~~((k))~~ "Working telephone number" means a north American numbering plan telephone number, or successor dialing protocol, that is developed for use in placing calls to or from the public network, that enables a consumer to make or receive calls.)

(2) This section expires July 1, ~~(2020)~~ 2025.

Sec. 12. RCW 80.36.650 and 2016 c 145 s 1 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission ~~((during the time over which incumbent communications providers in the state are adapting to changes in federal universal service fund and intercarrier compensation support))~~ and the provision, enhancement, and maintenance of broadband services, recognizing that, historically, the incumbent public network functions to provide all communications services including, but not limited to, voice and broadband services.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued telecommunications services under the rates, terms, and conditions established by the commission under this chapter, and broadband services, for the period covered by the distribution. The commission must implement and administer the program under terms and

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conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed five million dollars per fiscal year; provided, however, that if less than five million dollars is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the five million dollars allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a)(i) The communications provider is: ~~((+))~~ (A) An incumbent local exchange carrier serving fewer than forty thousand access lines in the state; or ~~((+))~~ (B) a radio communications service company providing wireless two-way voice communications service and broadband services to less than the equivalent of forty thousand access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all wireline affiliates must be counted as a single threshold, if the lines or equivalents are located in Washington;

~~((b))~~ (ii) ~~The ((customers of the communications provider are at risk of rate instability or service interruptions or cessations absent a distribution to the provider that will allow the provider to maintain rates reasonably close to the benchmark))~~ communications provider has adopted a plan to provide, enhance, or maintain broadband services in its service area; and

~~((c))~~ (iii) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services; or

(b) The communications provider demonstrates to the commission that the communications provider is able to provide the same or comparable services at the same or similar service quality standards at a lower price; and: (i) Will provide communications services to all customers in the exchange or exchanges in which it will provide service; and (ii) submits to the commission's regulation of its service as if it were the incumbent local exchange company serving the exchange or exchanges for which it seeks distribution from the account.

(4)(a) Distributions to eligible communications providers are based on ~~((a benchmark))~~ criteria established by the commission. ~~((The benchmark is the rate the commission determines to be a reasonable amount customers should pay for basic residential service provided over the incumbent public network. However, if an incumbent local exchange carrier is charging rates above the benchmark for the basic residential service, that provider may not seek distributions from the fund for the purpose of reducing those rates to the benchmark.))~~

(b) If the program does not have sufficient funds to fully fund the distribution formula set out in (a) of this subsection, distributions must be reduced on a pro rata basis using the amounts calculated for that year's program support as the basis of the pro rata calculations.

(c) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

(5) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

(6) The commission must periodically review the accounts and records of any communications provider that receives

distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

(7) The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of stakeholders, including but not limited to communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.

(8) The program terminates on June 30, ~~((2019))~~ 2024, and no distributions may be made after that date.

(9) This section expires July 1, ~~((2020))~~ 2025.

Sec. 13. RCW 80.36.660 and 2013 2nd sp.s. c 8 s 204 are each amended to read as follows:

(1) To implement the program, the commission must adopt rules for the following purposes:

(a) Operation of the program, including criteria for: Eligibility for distributions; use of the funds; identification of any reports or data that must be filed with the commission, including, but not limited to, how a communication provider used the distributed funds; and the communications provider's infrastructure;

(b) Operation of the universal communications services account established in RCW 80.36.690;

(c) Establishment of the ~~((benchmark))~~ criteria used to calculate distributions; and

(d) Readoption, amendment, or repeal of any existing rules adopted pursuant to RCW 80.36.610 ~~((and 80.36.620))~~ as necessary to be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610.

(2) This section expires July 1, ~~((2020))~~ 2025.

Sec. 14. RCW 80.36.670 and 2013 2nd sp.s. c 8 s 205 are each amended to read as follows:

(1) In addition to any other penalties prescribed by law, the commission may impose penalties for failure to make or delays in making or filing any reports required by the commission for administration of the program. In addition, the commission may recover amounts determined to have been improperly distributed under RCW 80.36.650. For the purposes of this section, the provisions of RCW 80.04.380 through 80.04.405, inclusive, apply to all companies that receive support from the universal communications services account created in RCW 80.36.690.

(2) Any action taken under this section must be taken only after providing the affected communications provider with notice and an opportunity for a hearing, unless otherwise provided by law.

(3) Any amounts recovered under this section must be deposited in the universal communications services account created in RCW 80.36.690.

(4) This section expires July 1, ~~((2020))~~ 2025.

Sec. 15. RCW 80.36.680 and 2013 2nd sp.s. c 8 s 206 are each amended to read as follows:

(1) The commission may delegate to the commission secretary or other staff the authority to resolve disputes and make other administrative decisions necessary to the administration and supervision of the program consistent with the relevant statutes and commission rules.

(2) This section expires July 1, ~~((2020))~~ 2025.

Sec. 16. RCW 80.36.690 and 2013 2nd sp.s. c 8 s 208 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program

established in RCW 80.36.650 and commission expenses related to implementation and administration of the provisions of RCW 80.36.630 through 80.36.690 and section 212, chapter 8, Laws of 2013 2nd sp. sess. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, ~~((2020))~~ 2025.

Sec. 17. RCW 80.36.700 and 2013 2nd sp.s. c 8 s 211 are each amended to read as follows:

(1) The universal communications services program established in RCW 80.36.630 through 80.36.690 terminates on June 30, ~~((2019))~~ 2024.

(2) This section expires July 1, ~~((2020))~~ 2025.

Sec. 18. 2013 2nd sp.s. c 8 s 212 (uncodified) is amended to read as follows:

(1) By December 1, ~~((2017))~~ 2024, and in compliance with RCW 43.01.036, the Washington utilities and transportation commission ~~((must))~~ may report to the appropriate committees of the legislature, on the following: ~~((+))~~ (a) Whether funding levels for each small telecommunications company have been adequate to maintain reliable universal service; ~~((=))~~ (b) the future impacts on small telecommunications companies from the elimination of funding under this act; ~~((=))~~ (c) the impacts on customer rates from the current level of funding and the future impacts when the funding terminates under this act; and ~~((+))~~ (d) the impacts on line and service delivery investments when the funding is terminated under this act. The report may also include an analysis of the need for future program funding and recommendations on potential funding mechanisms to improve the availability of communications services, including broadband service, in unserved areas. Commission expenses related to conducting all analysis in preparation of this report must be expended from the universal communications services account.

(2) The Washington utilities and transportation commission must initiate a rule making to reform the state universal communications services program no later than ninety days following the effective date of this section. The rule making must address adding broadband as a supported service and, consistent with the size of the fund, establishing:

(a) Broadband provider eligibility;

(b) Service performance and buildout requirements for funding recipients;

(c) Support amounts for maintaining systems that meet federal or state broadband speed guidelines; and

(d) Methods to effectively and efficiently distribute program support to eligible providers.

Sec. 19. RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and 2018 c 203 s 14 are each reenacted and amended to read as follows:

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

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the

federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, ~~((the high capacity transportation account.))~~ the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local

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

account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

Sec. 20. 2013 2nd sp.s. c 8 s 303 (uncodified) is amended to read as follows:

Section 209 of this act expires July 1, ~~((2020))~~ 2025.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1)RCW 43.330.415 (Washington community technology opportunity account) and 2011 1st sp.s. c 43 s 608, 2009 c 509 s 8, & 2008 c 262 s 8;

(2)RCW 43.330.418 (Broadband deployment and adoption—Governor's actions—Oversight and implementation by the department) and 2011 1st sp.s. c 43 s 609 & 2009 c 509 s 9; and

(3)RCW 80.36.620 (Universal service program—Rules) and 1998 c 337 s 3.

NEW SECTION. Sec. 22. 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. 23. Sections 11 through 18 and 20 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.

NEW SECTION. Sec. 24. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5511.

Senators Wellman and Sheldon spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5511.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5511 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5511, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5511, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Takko

SECOND SUBSTITUTE SENATE BILL NO. 5511, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed SENATE BILL NO. 5551 with the following amendment(s): 5551 AMH JINK CLYN 312

On page 2, line 39, after "by" strike "assistance dogs international or a comparable and internationally" and insert "a"

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Senate Bill No. 5551.

Senators Dhingra and Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Senate Bill No. 5551.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5551 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5551, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5551, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Takko

SENATE BILL NO. 5551, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5560 with the following amendment(s): 5560-S AMH CRJ H2473.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Before a lawsuit may be commenced in disputes between elected officials, as the term "elected official" is defined in subsection (7) of this section, in their official capacity, the party bringing the claim must first notify in writing the other parties to the claim. The notice must:

(a) Request mediation to occur;

(b) Notify all interested parties that mediation must take place within ninety days of providing notice; and

(c) Include a copy of this section.

(2) The making of a written, good faith notice requesting mediation prior to commencing a lawsuit by the party bringing the claim as provided in subsection (1) of this section tolls the statute of limitations until the ninetieth day from the date of notice, or the day following the date set in subsection (5) of this section, or mediation ends, whichever is later.

(3) After the notice of mediation has been provided to all interested parties, unless otherwise agreed to by the parties, all interested parties must mediate pursuant to the process set forth in this section within ninety days or by the date set in subsection (5) of this section. If any party refuses to mediate, fails to mediate in good faith, or if mediation does not resolve the claim, the party bringing the claim may commence a lawsuit on the claim upon the passage of the 90th day from the date of notice or the day following the date set in subsection (5) of this section, whichever is later.

(4) The mediator shall be agreed upon by the parties. If the parties cannot agree upon a mediator, any party may petition for the appointment of a mediator. Once a party petitions for the appointment of a mediator, no other party may petition for the appointment of a mediator. The petition shall be filed in the superior court of the county in which one of the parties serves as an elected official. If one of the parties in the action is a superior court judge, then the petition may not be filed in the superior court in which that judge serves. If any party is a superior court judge and all the parties serve in the same county, the action shall be filed in an adjacent county.

(5) Upon designation of a mediator by the parties or the court, the mediator and the parties or the parties' representatives shall establish a date for the mediation. If a date cannot be agreed upon within ten days of the designation or appointment of the mediator, a party may petition the court, as set forth in subsection (4) of this section, to set a date for the mediation. The mediation shall occur within ninety days from the day the notice is provided under subsection (1) of this section, or on a later date if agreed to by all parties and the mediator or as scheduled by the court.

(6) Costs of the mediation, including reasonable compensation for the mediator's services, shall be paid equally by the parties unless the superior court determines otherwise in its order appointing the mediator. The details of those costs, and the compensation of the mediator, must be set forth in a mediation agreement between the mediator and all parties, or in the order

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appointing the mediator. Unless otherwise agreed, and except for sharing the costs of the mediator, each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the mediation proceeding. If the matter is not resolved by mediation and the parties cannot agree as to how costs are assessed among the parties, the court that resolves the matter shall determine how costs are assessed among the parties.

- (7) For the purposes of this section, "elected official" means:
- (a) Any elected or appointed county officer as enumerated in RCW 36.16.030;
 - (b) Equivalent positions whether elected or appointed in charter counties; and
 - (c) Superior, district, and municipal court judges located within the county.

NEW SECTION. Sec. 2. Section 1 of this act constitutes a new chapter in Title 36 RCW."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Padden moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5560.

Senator Padden spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Padden that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5560.

The motion by Senator Padden carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5560 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5560, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5560, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Takko

SUBSTITUTE SENATE BILL NO. 5560, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

SUBSTITUTE SENATE BILL NO. 5089,

- SENATE BILL NO. 5107,
- ENGROSSED SECOND SUBSTITUTE
- SENATE BILL NO. 5116,
- SUBSTITUTE SENATE BILL NO. 5135,
- SENATE BILL NO. 5145,
- SUBSTITUTE SENATE BILL NO. 5151,
- ENGROSSED SECOND SUBSTITUTE
- SENATE BILL NO. 5223,
- SENATE BILL NO. 5227,
- ENGROSSED SECOND SUBSTITUTE
- SENATE BILL NO. 5397,
- SENATE BILL NO. 5415,
- SUBSTITUTE SENATE BILL NO. 5552,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5579,
- SUBSTITUTE SENATE BILL NO. 5597,
- SENATE BILL NO. 5651,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5688,
- and SECOND SUBSTITUTE SENATE BILL NO. 5718.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5600 with the following amendment(s): 5600-S.E AMH ENGR H2831.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is declared to be the public policy of the state and a recognized governmental function to assist residents who are experiencing a temporary crisis in retaining stable housing, and by so doing to contribute to the general welfare. Decent housing for the people of Washington state is a most important public concern. An escalation of rents and scarcity of housing supply have made it difficult for many Washingtonians to obtain stable housing, especially if they lose housing after experiencing an extraordinary life event that temporarily leaves them without resources and income. It is the long-standing practice of the state to make rental assistance available in many such urgent situations, and it is the intent of the legislature to provide a payment on the tenant's behalf to the landlord in certain eviction proceedings to give the tenant additional time to access resources that allow the tenants to stay in their home.

Sec. 2. RCW 59.12.030 and 1998 c 276 s 6 are each amended to read as follows:

A tenant of real property for a term less than life is (~~guilty of~~) liable for unlawful detainer either:

(1) When he or she holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him or her. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall be terminated without notice at the expiration of the specified term or period;

(2) When he or she, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than twenty days prior to the end of such month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him or her to quit the premises at the expiration of such month or period;

(3) When he or she continues in possession in person or by subtenant after a default in the payment of rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner in RCW 59.12.040 provided) ~~((in))~~ on behalf of the person entitled to the rent upon the person owing it, has remained uncomplied with for the period of three days after service ~~((thereof)), or for the period of fourteen days after service for tenancies under chapter 59.18 RCW.~~ The notice may be served at any time after the rent becomes due. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(4) When he or she continues in possession in person or by subtenant after a neglect or failure to keep or perform any ~~((other))~~ condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sublet, other than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in manner in RCW 59.12.040 provided) upon him or her, and if there is a subtenant in actual possession of the premises, also upon such subtenant, shall remain uncomplied with for ten days after service thereof. Within ten days after the service of such notice the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, "rent" has the same meaning as defined in RCW 59.18.030;

(5) When he or she commits or permits waste upon the demised premises, or when he or she sets up or carries on thereon any unlawful business, or when he or she erects, suffers, permits, or maintains on or about the premises any nuisance, and remains in possession after the service (in manner in RCW 59.12.040 provided) upon him or her of three days' notice to quit;

(6) A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days' notice, in writing and served upon him or her in the manner provided in RCW 59.12.040. Such person may also be subject to the criminal provisions of chapter 9A.52 RCW; or

(7) When he or she commits or permits any gang-related activity at the premises as prohibited by RCW 59.18.130.

NEW SECTION. Sec. 3. A new section is added to chapter 59.18 RCW to read as follows:

(1) Every fourteen-day notice served pursuant to RCW 59.12.030(3) must be in substantially the following form:

"FOURTEEN-DAY NOTICE TO PAY RENT OR VACATE THE PREMISES

You are receiving the attached notice because the landlord alleges you are not in compliance with the terms of the lease agreement by failing to pay rent and/or utilities and/or recurring or periodic charges that are past due.

- (1) **Monthly rent due for (list month(s)): \$ (dollar amount) AND/OR**
- (2) **Utilities due for (list month(s)): \$ (dollar amount) AND/OR**
- (3) **Other recurring or periodic charges identified in the lease for (list month(s)): \$ (dollar amount)**
- TOTAL AMOUNT DUE: \$ (dollar amount)**

Note - payment must be by cash, cashier's check, money order, or certified funds pursuant to the terms of the rental agreement.

You must pay the total amount due to your landlord within fourteen (14) days after service of this notice or you must vacate

the premises. Any payment you make to the landlord must first be applied to the total amount due as shown on this notice. Any failure to comply with this notice within fourteen (14) days after service of this notice may result in a judicial proceeding that leads to your eviction from the premises.

The Washington state Office of the Attorney General has this notice in multiple languages on its web site. You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help you pay your rent. Alternatively, call 2-1-1 to learn about these services.

State law provides you the right to receive interpreter services at court.

OWNER/LANDLORD: _____ DATE: _____

WHERE TOTAL AMOUNT DUE IS TO BE PAID:
 _____ (owner/landlord name) _____
 _____ (address) _____ "

(2) The form required in this section does not abrogate any additional notice requirements to tenants as required by federal, state, or local law.

NEW SECTION. Sec. 4. A new section is added to chapter 59.18 RCW to read as follows:

(1) The office of the attorney general shall produce and maintain on its web site translated versions of the notice under section 3 of this act in the top ten languages spoken in Washington state and, at the discretion of the office of the attorney general, other languages. The notice must be made available upon request in printed form on one letter size paper, eight and one-half by eleven inches, and in an easily readable font size.

(2) The office of the attorney general shall also provide on its web site information on where tenants can access legal or advocacy resources, including information on any immigrant and cultural organizations where tenants can receive assistance in their primary language.

(3) The office of the attorney general may also produce and maintain on its web site translated versions of common notices used in unlawful detainer actions, including those relevant to subsidized tenancies, low-income housing tax credit programs, or the federal violence against women act.

Sec. 5. RCW 59.18.030 and 2016 c 66 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of RCW 9A.72.085 by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(2) "Commercially reasonable manner," with respect to a sale of a deceased tenant's personal property, means a sale where every aspect of the sale, including the method, manner, time,

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place, and other terms, must be commercially reasonable. If commercially reasonable, a landlord may sell the tenant's property by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(3) "Comprehensive reusable tenant screening report" means a tenant screening report prepared by a consumer reporting agency at the direction of and paid for by the prospective tenant and made available directly to a prospective landlord at no charge, which contains all of the following: (a) A consumer credit report prepared by a consumer reporting agency within the past thirty days; (b) the prospective tenant's criminal history; (c) the prospective tenant's eviction history; (d) an employment verification; and (e) the prospective tenant's address and rental history.

(4) "Criminal history" means a report containing or summarizing (a) the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years, and (b) the results of a sex offender registry and United States department of the treasury's office of foreign assets control search, all based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(5) "Designated person" means a person designated by the tenant under RCW 59.18.590.

(6) "Distressed home" has the same meaning as in RCW 61.34.020.

(7) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(8) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(9) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

(10) "Eviction history" means a report containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law, are lawful for landlords to consider, and are obtained after a search based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(11) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(12) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(13) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(14) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

(15) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(16) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(17) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(18) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(19) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

(20) "Prospective landlord" means a landlord or a person who advertises, solicits, offers, or otherwise holds a dwelling unit out as available for rent.

(21) "Prospective tenant" means a tenant or a person who has applied for residential housing that is governed under this chapter.

(22) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

(23) "Reasonable attorneys' fees," where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(24) "Reasonable manner," with respect to disposing of a deceased tenant's personal property, means to dispose of the property by donation to a not-for-profit charitable organization, by removal of the property by a trash hauler or recycler, or by any other method that is reasonable under the circumstances.

(25) "Rent" or "rental amount" means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. Except as provided in section 6(3) of this act, these terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees.

(26) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

~~((26))~~ (27) A "single-family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

~~((27))~~ (28) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

~~((28))~~ (29) "Tenant representative" means:

(a) A personal representative of a deceased tenant's estate if known to the landlord;

(b) If the landlord has no knowledge that a personal representative has been appointed for the deceased tenant's estate, a person claiming to be a successor of the deceased tenant who has provided the landlord with proof of death and an affidavit made by the person that meets the requirements of RCW 11.62.010(2);

(c) In the absence of a personal representative under (a) of this subsection or a person claiming to be a successor under (b) of this subsection, a designated person; or

(d) In the absence of a personal representative under (a) of this subsection, a person claiming to be a successor under (b) of this subsection, or a designated person under (c) of this subsection, any person who provides the landlord with reasonable evidence that he or she is a successor of the deceased tenant as defined in RCW 11.62.005. The landlord has no obligation to identify all of the deceased tenant's successors.

~~((29))~~ (30) "Tenant screening" means using a consumer report or other information about a prospective tenant in deciding whether to make or accept an offer for residential rental property to or from a prospective tenant.

~~((30))~~ (31) "Tenant screening report" means a consumer report as defined in RCW 19.182.010 and any other information collected by a tenant screening service.

NEW SECTION. Sec. 6. A new section is added to chapter 59.18 RCW to read as follows:

Under this chapter:

(1) A landlord must first apply any payment made by a tenant toward rent before applying any payment toward late payments, damages, legal costs, or other fees, including attorneys' fees.

(2) Except as provided in RCW 59.18.410, the tenant's right to possession of the premises may not be conditioned on a tenant's payment or satisfaction of any monetary amount other than rent. However, this does not foreclose a landlord from pursuing other lawful remedies to collect late payments, legal costs, or other fees, including attorneys' fees.

(3) When, at the commencement of the tenancy, the landlord has provided an installment payment plan for nonrefundable fees or deposits for the security of the tenant's obligations and the tenant defaults in payment, the landlord may treat the default in payment as rent owing. Any rights the tenant and landlord have under this chapter with respect to rent owing equally apply under this subsection.

Sec. 7. RCW 59.18.410 and 2011 c 132 s 20 are each amended to read as follows:

(1) If ~~((upon the))~~ at trial the verdict of the jury or, if the case ~~((be))~~ is tried without a jury, the finding of the court ~~((be))~~ is in favor of the ~~((plaintiff))~~ landlord and against the ~~((defendant))~~ tenant, judgment shall be entered for the restitution of the

premises; and if the proceeding ~~((be))~~ is for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings ~~((be))~~ are tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the ~~((plaintiff))~~ landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved ~~((on the))~~ at trial, and, if the alleged unlawful detainer ~~((be after))~~ is based on default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the ~~((defendant guilty of))~~ tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed ~~((and))~~ for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed seventy-five dollars in total. The court may award statutory costs ~~((and))~~ The court may also award reasonable ~~((attorney's))~~ attorneys' fees as provided in RCW 59.18.290.

(2) When the ~~((proceeding))~~ tenant is liable for ~~((an))~~ unlawful detainer after a default in the payment of rent, ~~((and the lease or agreement under which the rent is payable has not by its terms expired,))~~ execution upon the judgment shall not ((be issued)) occur until the expiration of five court days after the entry of the judgment((, within which)). Before such time has expired, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court ~~((for))~~ or to the landlord the amount of the ~~((judgment and costs, and thereupon the judgment shall be satisfied and the))~~ rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease and do not exceed seventy-five dollars in total, and attorneys' fees if awarded, in which event any judgment entered shall be satisfied and the tenant restored to his or her tenancy~~((, but)).~~ If a judgment has been satisfied, the landlord shall file a satisfaction of judgment with the court. A tenant seeking to exercise rights under this subsection shall pay an additional fifty dollars for each time the tenant was reinstated after judgment pursuant to this subsection within the previous twelve months prior to payment. If payment((, as herein provided, be)) of the amount specified in this subsection is not made within five court days after the entry of the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3)(a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay the writ of restitution upon good cause and on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following factors:

(i) The tenant's willful or intentional default or intentional failure to pay rent;

(ii) Whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;

(iii) The tenant's ability to timely pay the judgment;

(iv) The tenant's payment history;

(v) Whether the tenant is otherwise in substantial compliance with the rental agreement;

(vi) Hardship on the tenant if evicted; and

(vii) Conduct related to other notices served within the last six months.

(b) The burden of proof for such relief under this subsection (3) shall be on the tenant. If the tenant seeks relief pursuant to this

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subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as expeditiously as possible so as to avoid unnecessary delay or hardship on the parties.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ of restitution more than ninety days from the date of order, but may order repayment of the judgment balance within such time. If the payment plan is to exceed thirty days, the total cumulative payments for each thirty-day period following the order shall be no less than one month of the tenant's share of the rent, and the total amount of the judgment and all additional rent that is due shall be paid within ninety days.

(ii) Within any payment plan ordered by the court, the court shall require the tenant to pay to the landlord or to the court one month's rent within five court days of issuance of the order. If the date of the order is on or before the fifteenth of the month, the tenant shall remain current with ongoing rental payments as they become due for the duration of the payment plan; if the date of the order is after the fifteenth of the month, the tenant shall have the option to apportion the following month's rental payment within the payment plan, but monthly rental payments thereafter shall be paid according to the rental agreement.

(iii) The sheriff may serve the writ of restitution upon the tenant before the expiration of the five court days of issuance of the order; however, the sheriff shall not execute the writ of restitution until after expiration of the five court days in order for payment to be made of one month's rent as required by (c)(ii) of this subsection. In the event payment is made as provided in (c)(ii) of this subsection for one month's rent, the court shall stay the writ of restitution ex parte without prior notice to the landlord upon the tenant filing and presenting a motion to stay with a declaration of proof of payment demonstrating full compliance with the required payment of one month's rent. Any order staying the writ of restitution under this subsection (3)(c)(iii) shall require the tenant to serve a copy of the order on the landlord by personal delivery, first-class mail, facsimile, or email if agreed to by the parties.

(A) If the tenant has satisfied (c)(ii) of this subsection by paying one month's rent within five court days, but defaults on a subsequent payment required by the court pursuant to this subsection (3)(c), the landlord may enforce the writ of restitution after serving a notice of default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on rent due under the lease agreement or payment plan entered by the court. Upon service of the notice of default, the tenant shall have three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution.

(B) If the landlord serves the notice of default described under this subsection (3)(c)(iii), an additional day is not included in calculating the time before the sheriff may execute the writ of restitution. The notice of default must be in substantially the following form:

NOTICE OF DEFAULT FOR RENT AND/OR PAYMENT PLAN ORDERED BY COURT

NAME(S)
ADDRESS
CITY, STATE, ZIP

THIS IS NOTICE THAT YOU ARE IN DEFAULT OF YOUR RENT AND/OR PAYMENT PLAN ORDERED BY THE COURT. YOUR LANDLORD HAS RECEIVED THE FOLLOWING PAYMENTS:

DATE
AMOUNT

DATE
AMOUNT
DATE
AMOUNT

THE LANDLORD MAY SCHEDULE YOUR PHYSICAL EVICTION WITHIN THREE CALENDAR DAYS OF SERVICE OF THIS NOTICE. TO STOP A PHYSICAL EVICTION, YOU ARE REQUIRED TO PAY THE BALANCE OF YOUR RENT AND/OR PAYMENT PLAN IN THE AMOUNT OF \$...
PAYMENT MAY BE MADE TO THE COURT OR TO THE LANDLORD. IF YOU FAIL TO PAY THE BALANCE WITHIN THREE CALENDAR DAYS, THE LANDLORD MAY PROCEED WITH A PHYSICAL EVICTION FOR POSSESSION OF THE UNIT THAT YOU ARE RENTING.

DATE
SIGNATURE
LANDLORD/AGENT
NAME
ADDRESS
PHONE

(iv) If a tenant seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity and provides an offer of proof, the court shall stay the writ of restitution as necessary to afford the tenant an equal opportunity to comply.

(v) The court shall extend the writ of restitution as necessary to enforce the order issued pursuant to this subsection (3)(c) in the event of default.

(d) A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3).

(e)(i) In any application seeking relief pursuant to this subsection (3), the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the parties would be eligible for disbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(ii) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (A) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (B) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). Nothing in this subsection (3)(c) shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(iii) If the department of commerce fails to disburse payment to the landlord for the judgment pursuant to this subsection (3)(e) within thirty days from submission of the application, the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iv) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as

applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

(v) Nothing in this subsection (3)(c) prohibits the landlord from otherwise applying for reimbursement for an unpaid judgment pursuant to RCW 43.31.605(1)(c) after the tenant defaults on a payment plan ordered pursuant to (c) of this subsection.

(4) If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted.

(5) In all other cases the judgment may be enforced immediately. If a writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(6) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380.

Sec. 8. RCW 59.18.390 and 2011 c 132 s 19 are each amended to read as follows:

(1) The sheriff shall, upon receiving the writ of restitution, forthwith serve a copy thereof upon the ~~((defendant))~~ tenant, his or her agent, or attorney, or a person in possession of the premises, and shall not execute the same for three days thereafter ~~((and the defendant, or person in possession of the premises within three days after the service of the writ of restitution may execute to the plaintiff a bond to be filed with and approved by the clerk of the court in such sum as may be fixed by the judge, with sufficient surety to be approved by the clerk of the court, conditioned that they will pay to the plaintiff such sum as the plaintiff may recover for the use and occupation of the premises, or any rent found due, together with all damages the plaintiff may sustain by reason of the defendant occupying or keeping possession of the premises, together with all damages which the court theretofore has awarded to the plaintiff as provided in this chapter, and also all the costs of the action. If the writ of restitution was issued after alternative service provided for in RCW 59.18.055, the court shall determine the amount of the bond after considering the rent claimed and any other factors the court deems relevant. The plaintiff, his or her agent or attorneys, shall have notice of the time and place where the court or judge thereof shall fix the amount of the defendant's bond, and shall have notice and a reasonable opportunity to examine into the qualification and sufficiency of the sureties upon the bond before the bond shall be approved by the clerk)).~~ After the issuance of a writ of restitution, acceptance of a payment by the landlord ~~((or plaintiff))~~ that only partially satisfies the judgment will not invalidate the writ unless pursuant to a written agreement executed by both parties. The eviction will not be postponed or stopped unless a copy of that written agreement is provided to the sheriff. It is the responsibility of the tenant ~~((or defendant))~~ to ensure a copy of the agreement is provided to the sheriff. Upon receipt of the agreement, the sheriff will cease action unless ordered to do otherwise by the court. The writ of restitution and the notice that accompanies the writ of restitution required under RCW 59.18.312 shall conspicuously state in bold face type, all capitals, not less than twelve points information about partial payments as set forth in subsection (2) of this section. If the writ of restitution has been based upon a finding by the court that the tenant, subtenant, sublessee, or a person residing at the rental premises has engaged in drug-related activity or has allowed any other person to engage in drug-related activity at those premises with his or her knowledge or approval,

neither the tenant ~~((the defendant))~~ nor a person in possession of the premises shall be entitled to post a bond in order to retain possession of the premises. The writ may be served by the sheriff, in the event he or she shall be unable to find the ~~((defendant))~~ tenant, an agent or attorney, or a person in possession of the premises, by affixing a copy of the writ in a conspicuous place upon the premises: PROVIDED, That the sheriff shall not require any bond for the service or execution of the writ. The sheriff shall be immune from all civil liability for serving and enforcing writs of restitution unless the sheriff is grossly negligent in carrying out his or her duty.

(2) The notice accompanying a writ of restitution required under RCW 59.18.312 shall be substantially similar to the following:

IMPORTANT NOTICE - PARTIAL PAYMENTS

YOUR LANDLORD'S ACCEPTANCE OF A PARTIAL PAYMENT FROM YOU AFTER SERVICE OF THIS WRIT OF RESTITUTION WILL NOT AUTOMATICALLY POSTPONE OR STOP YOUR EVICTION. IF YOU HAVE A WRITTEN AGREEMENT WITH YOUR LANDLORD THAT THE EVICTION WILL BE POSTPONED OR STOPPED, IT IS YOUR RESPONSIBILITY TO PROVIDE A COPY OF THE AGREEMENT TO THE SHERIFF. THE SHERIFF WILL NOT CEASE ACTION UNLESS YOU PROVIDE A COPY OF THE AGREEMENT. AT THE DIRECTION OF THE COURT THE SHERIFF MAY TAKE FURTHER ACTION.

Sec. 9. RCW 59.18.365 and 2008 c 75 s 1 are each amended to read as follows:

(1) The summons must contain the names of the parties to the proceeding, the attorney or attorneys if any, the court in which the same is brought, the nature of the action, in concise terms, and the relief sought, and also the return day; and must notify the defendant to appear and answer within the time designated or that the relief sought will be taken against him or her. The summons must contain a street address for service of the notice of appearance or answer and, if available, a facsimile number for the plaintiff or the plaintiff's attorney, if represented. The summons must be served and returned in the same manner as a summons in other actions is served and returned.

(2) A defendant may serve a copy of an answer or notice of appearance by any of the following methods:

- (a) By delivering a copy of the answer or notice of appearance to the person who signed the summons at the street address listed on the summons;
- (b) By mailing a copy of the answer or notice of appearance addressed to the person who signed the summons to the street address listed on the summons;
- (c) By facsimile to the facsimile number listed on the summons. Service by facsimile is complete upon successful transmission to the facsimile number listed upon the summons;
- (d) As otherwise authorized by the superior court civil rules.

(3) The summons for unlawful detainer actions for tenancies covered by this chapter shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON
IN AND
FOR COUNTY

Plaintiff/ <u>Landlord/</u> <u>Owner,</u>	NO.
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vs. EVICTION SUMMONS (Residential) Defendant/ Tenant/ Occupant.

Name Street Address Telephone Number

Faeximile Number (Required if Available))

THIS IS ((NOTICE OF A LAWSUIT)) AN IMPORTANT LEGAL DOCUMENT TO EVICT YOU. ((PLEASE READ IT CAREFULLY. THE DEADLINE FOR)) YOUR WRITTEN RESPONSE ((IS)) MUST BE RECEIVED BY: 5:00 p.m., on

GET HELP: If you do not respond by the deadline above, you will lose your right to defend yourself in court and could be evicted. If you cannot afford a lawyer, you may call 2-1-1. They can refer you to free or low-cost legal help. They can help you find help to pay for a lawyer.

TO: (Defendant's Name) (Defendant's Address)

HOW TO RESPOND: Phone calls to your Landlord or your Landlord's lawyer are not a response. You may respond with a "notice of appearance." This is a letter that includes the following:

((This is notice of a lawsuit to evict you from the property which you are renting. Your landlord is asking the court to terminate your tenancy, direct the sheriff to remove you and your belongings from the property, enter a money judgment against you for unpaid rent and/or damages for your use of the property, and for court costs and attorneys' fees.

- (1) A statement that you are appearing in the court case (2) Names of the landlord(s) and the tenant(s) (as listed above) (3) Your name, your address where legal documents may be sent, your signature, phone number (if any), and case number (if the case is filed)

If you want to defend yourself in this lawsuit, you must respond to the eviction complaint in writing on or before the deadline stated above. You must respond in writing even if no case number has been assigned by the court yet.

This case is / is not filed with the court. If this case is filed, you need to also file your response with the court by delivering a copy to the clerk of the court at: (Clerk's Office/Address/Room number/Business hours of court clerk)

You can respond to the complaint in writing by delivering a copy of a notice of appearance or answer to your landlord's attorney (or your landlord if there is no attorney) by personal delivery, mailing, or faeximile to the address or faeximile number stated below TO BE RECEIVED NO LATER THAN THE DEADLINE STATED ABOVE. Service by faeximile is complete upon successful transmission to the faeximile number, if any, listed in the summons.

WHERE TO RESPOND: You must mail, fax, or hand deliver your response letter to your Landlord's lawyer, or if no lawyer is named in the complaint, to your Landlord. If you mail the response letter, you must do it 3 days before the deadline above. Request receipt of a proof of mailing from the post office. If you hand deliver or fax it, you must do it by the deadline above. The address is:

The notice of appearance or answer must include the name of this case (plaintiff(s) and defendant(s)), your name, the street address where further legal papers may be sent, your telephone number (if any), and your signature.

(Attorney/Landlord Name) (Address) (Fax - required if available)

If there is a number on the upper right side of the eviction summons and complaint, you must also file your original notice of appearance or answer with the court clerk by the deadline for your written response.

COURT DATE: If you respond to this Summons, you will be notified of your hearing date in a document called an "Order to Show Cause." This is usually mailed to you. If you get notice of a hearing, you must go to the hearing. If you do not show up, your landlord can evict you. Your landlord might also charge you more money. If you move before the court date, you must tell your landlord or the landlord's attorney.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing the summons. Within fourteen days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

Sec. 10 RCW 59.18.290 and 2010 c 8 s 19028 are each amended to read as follows:

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

(1) It ((shall be)) is unlawful for the landlord to remove or exclude from the premises the tenant thereof except under a court order so authorizing. Any tenant so removed or excluded in violation of this section may recover possession of the property or terminate the rental agreement and, in either case, may recover the actual damages sustained. The prevailing party may recover the costs of suit or arbitration and reasonable ((attorney's)) attorneys' fees.

You may also be instructed in a separate order to appear for a court hearing on your eviction. If you receive an order to show cause you must personally appear at the hearing on the date indicated in the order to show cause IN ADDITION to delivering and filing your notice of appearance or answer by the deadline stated above.

(2) It ((shall be)) is unlawful for the tenant to hold over in the premises or exclude the landlord therefrom after the termination of the rental agreement except under a valid court order so authorizing. Any landlord so deprived of possession of premises in violation of this section may recover possession of the property and damages sustained by him or her, and the prevailing party may recover his or her costs of suit or arbitration and reasonable ((attorney's)) attorneys' fees subject to subsections (3) and (4) of this section.

IF YOU DO NOT RESPOND TO THE COMPLAINT IN WRITING BY THE DEADLINE STATED ABOVE YOU WILL LOSE BY DEFAULT. YOUR LANDLORD MAY PROCEED WITH THE LAWSUIT, EVEN IF YOU HAVE MOVED OUT OF THE PROPERTY.

(3) Where the court has entered a judgment in favor of the landlord restoring possession of the property to the landlord, the court may award reasonable attorneys' fees to the landlord;

The notice of appearance or answer must be delivered to:

however, the court shall not award attorneys' fees in the following instances:

(a) If the judgment for possession is entered after the tenant failed to appear; or

(b) If the total amount of rent awarded in the judgment for rent is equal to or less than two months of the tenant's monthly contract rent or one thousand two hundred dollars, whichever is greater.

(4) If a tenant has filed a motion to stay a writ of restitution from execution, the court may only award attorneys' fees to the landlord if the tenant is permitted to be reinstated. Any attorneys' fees awarded shall be subject to repayment pursuant to RCW 59.18.410(3).

Sec. 11. RCW 59.18.055 and 1997 c 86 s 1 are each amended to read as follows:

(1) When the ~~((plaintiff))~~ landlord, after the exercise of due diligence, is unable to personally serve the summons on the ~~((defendant))~~ tenant, the ~~((court))~~ landlord may ~~((authorize))~~ use the alternative means of service ~~((described herein. Upon filing of an affidavit from the person or persons attempting service describing those attempts, and the filing of an affidavit from the plaintiff, plaintiff's agent, or plaintiff's attorney stating the belief that the defendant cannot be found, the court may enter an order authorizing service of the summons))~~ as follows:

(a) The summons and complaint shall be posted in a conspicuous place on the premises unlawfully held, not less than nine days from the return date stated in the summons; and

(b) Copies of the summons and complaint shall be deposited in the mail, postage prepaid, by both regular mail and certified mail directed to the ~~((defendant's))~~ tenant's or ~~((defendants'))~~ tenants' last known address not less than nine days from the return date stated in the summons.

(2) When service on the ~~((defendant))~~ tenant or ~~((defendants))~~ tenants is accomplished by this alternative procedure, the court's jurisdiction is limited to restoring possession of the premises to the ~~((plaintiff))~~ landlord and no money judgment may be entered against the ~~((defendant))~~ tenant or ~~((defendants))~~ tenants until such time as jurisdiction over the ~~((defendant))~~ tenant or ~~((defendants))~~ tenants is obtained.

~~((2))~~ (3) Before the entry of any judgment or issuance of a writ of restitution due to the tenant's failure to appear, the landlord shall provide the court with a declaration from the person or persons who served the tenant that describes the service achieved, and if by alternative service pursuant to this section, that describes the efforts at personal service before alternative service was used and a declaration from the landlord stating his or her belief that the tenant cannot be found.

(4) For the purposes of subsection (1) of this section, the exercise of due diligence is met if the landlord attempts personal service on the tenant at least three times over not less than two days and at different times of the day.

(5) This section shall apply to this chapter and chapter 59.20 RCW.

Sec. 12. RCW 43.31.605 and 2018 c 66 s 2 are each amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

~~((a))~~ (i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)~~((a))~~ (b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)~~((a))~~ (b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

~~((b))~~ (ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

~~((c))~~ (iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

~~((d))~~ (iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3), including any unpaid portion of the judgment after the tenant defaults on the payment plan pursuant to RCW 59.18.410(3)(c), are eligible for reimbursement from the landlord mitigation program account and are exempt from any postjudgment interest required under RCW 4.56.110. Any claim for reimbursement under this subsection (1)(c) is not an entitlement.

(i) The department shall provide for a form on its web site for tenants and landlords to apply for reimbursement funds for the landlord pursuant to this subsection (1)(c).

(ii) The form must include: (A) Space for the landlord and tenant to provide names, mailing addresses, phone numbers, date of birth for the tenant, and any other identifying information necessary for the department to process payment; (B) the landlord's statewide vendor identification number and how to obtain one; (C) name and address to whom payment must be made; (D) the amount of the judgment with instructions to include any other supporting documentation the department may need to process payment; (E) instructions for how the tenant is to reimburse the department under (c)(iii) of this subsection; (F) a description of the consequences if the tenant does not reimburse the department as provided in this subsection (1)(c); (G) a signature line for the landlord and tenant to confirm that they have read and understood the contents of the form and program; and (H) any other information necessary for the operation of the program. If the tenant has not signed the form after the landlord has made good faith efforts to obtain the tenant's signature, the landlord may solely submit the form but must attest to the amount of money owed and sign the form under penalty of perjury.

(iii) When a landlord has been reimbursed pursuant to this subsection (1)(c), the tenant for whom payment was made shall reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the superior court in which the judgment was entered. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. Upon entry of the order, the court clerk shall disburse the funds and include a case number with any payment issued to the department. If directed by the court, a clerk shall issue any payments made by a tenant to the department without further court order.

(iv) The department may deny an application made by a tenant who has failed to reimburse the department for prior payments issued pursuant to this subsection (1)(c).

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(v) With any disbursement from the account to the landlord, the department shall notify the tenant at the address provided within the application that a disbursement has been made to the landlord on the tenant's behalf and that failure to reimburse the account for the payment through the court registry may result in a denial of a future application to the account pursuant to this subsection (1)(c). The department may include any other additional information about how to reimburse the account it deems necessary to fully inform the tenant.

(vi) The department's duties with respect to obtaining reimbursement from the tenant to the account are limited to those specified within this subsection (1)(c).

(vii) If at any time funds do not exist in the landlord mitigation program account to reimburse claims submitted under this subsection (1)(c), the department must create and maintain a waitlist and distribute funds in the order the claims are received pursuant to subsection (6) of this section. Payment of any claims on the waitlist shall be made only from the landlord mitigation program account. The department shall not be civilly or criminally liable and may not have any penalty or cause of action of any nature arise against it regarding the provision or lack of provision of funds for reimbursement.

(2) In order for a claim under subsection (1)((e)) (b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim pursuant to subsection (1)(b) of this section, and determining eligibility for reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims pursuant to subsection (1)(b) of this section related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The

department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program pursuant to subsection (1)(b) of this section is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)((e)) (b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

Sec. 13. RCW 43.31.615 and 2018 c 66 s 3 are each amended to read as follows:

(1) The landlord mitigation program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims related to private market rental units during the time of their rental to low-income tenants using housing subsidy programs as defined in RCW 43.31.605, for any unpaid judgment issued within an unlawful detainer action after a court order pursuant to RCW 59.18.410(3) as described in RCW 43.31.605(1)(c), and for the administrative costs identified in subsection (2) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed ~~((ten))~~ twenty percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs.

NEW SECTION. **Sec. 14.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus capital or omnibus appropriations acts, this act is null and void."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5600.

Senators Kuderer and Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5600.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5600 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5600, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5600, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Van De Wege, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Bailey, Becker, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh and Wilson, L.

Excused: Senator Takko

ENGROSSED SUBSTITUTE SENATE BILL NO. 5600, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students and representatives from Foothills Elementary School, Buckley, who were seated in the gallery.

SIGNED BY THE PRESIDENT

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

ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1543,
HOUSE BILL NO. 1561,
SUBSTITUTE HOUSE BILL NO. 1587,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1817,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1879,
HOUSE BILL NO. 1900,
SUBSTITUTE HOUSE BILL NO. 1919,
SUBSTITUTE HOUSE BILL NO. 1953,
SECOND SUBSTITUTE HOUSE BILL NO. 1973,
and ENGROSSED HOUSE BILL NO. 1996.

MOTION

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

SECOND READING

HOUSE BILL NO. 2144, by Representatives Sullivan, Stokesbary, Bergquist, Irwin, Robinson and Ormsby

Concerning funding of law enforcement officers' and firefighters' plan 2 benefit improvements.

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The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, House Bill No. 2144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2144.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2144 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darnelle, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Mullet and Short

Excused: Senator Takko

HOUSE BILL NO. 2144, 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 Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1696.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1696.

The motion by Senator Keiser carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1696 by voice vote.

MOTIONS

On motion of Senator Keiser, the rules were suspended and Engrossed Substitute House Bill No. 1696 was returned to second reading for the purposes of amendment.

Senator Keiser moved that the following striking amendment no. 758 by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.58.005 and 2018 c 116 s 1 are each amended to read as follows:

(1) The legislature finds that despite existing equal pay laws, there continues to be a gap in wages and advancement opportunities among workers in Washington, especially women. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children. The legislature finds that in order to promote fairness among workers, employees must be compensated equitably. Further, policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

(2) The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

(3) The legislature finds that:

(a) The long-held business practice of inquiring about salary history has contributed to persistent earning inequalities;

(b) Historically, women have been offered lower initial pay than men for the same jobs even where their levels of education and experience are the same or comparable; and

(c) Lower starting salaries translate into lower pay, less family income, and more children and families in poverty.

(4) The legislature therefore intends to follow multiple other states and take the additional step towards gender equality by prohibiting an employer from seeking the wage or salary history of an applicant for employment in certain circumstances. Further, the legislature intends to require an employer to provide wage and salary information to applicants and employees.

NEW SECTION. Sec. 2. A new section is added to chapter 49.58 RCW to read as follows:

(1) An employer may not:

(a) Seek the wage or salary history of an applicant for employment from the applicant or a current or former employer; or

(b) Require that an applicant's prior wage or salary history meet certain criteria, except as provided in subsection (2) of this section.

(2) An employer may confirm an applicant's wage or salary history:

(a) If the applicant has voluntarily disclosed the applicant's wage or salary history; or

(b) After the employer has negotiated and made an offer of employment with compensation to the applicant.

(3) An individual is entitled to the remedies in RCW 49.58.060 and 49.58.070 for violations of this section. Recovery of any wages and interest must be calculated from the first date wages were owed to the employee.

NEW SECTION. Sec. 3. A new section is added to chapter 49.58 RCW to read as follows:

(1) Upon request of an applicant for employment after the employer has initially offered the applicant the position, the employer must provide the minimum wage or salary for the position for which the applicant is applying.

(2) Upon request of an employee offered an internal transfer to a new position or promotion, the employer must provide the wage scale or salary range for the employee's new position.

(3) If no wage scale or salary range exists, the employer must provide the minimum wage or salary expectation set by the employer prior to posting the position, making a position transfer, or making the promotion.

(4) This section only applies to employers with fifteen or more employees.

(5) An individual is entitled to the remedies in RCW 49.58.060 and 49.58.070 for violations of this section. Recovery of any wages and interest must be calculated from the first date wages were owed to the employee.

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

NEW SECTION. Sec. 5. A new section is added to chapter 49.58 RCW to read as follows:

This chapter may be known and cited as the Washington equal pay and opportunities act."

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 49.58.005; and adding new sections to chapter 49.58 RCW."

Senators Keiser and King spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 758 by Senator Keiser to Engrossed Substitute House Bill No. 1696.

The motion by Senator Keiser carried and striking amendment no. 758 was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1696 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1696 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, Mullet, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Takko

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1195 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Hudgins, Gregerson, Walsh

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, further consideration of Substitute House Bill No. 1195 was deferred and the bill held its place on the third reading calendar.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1170 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Goodman, Griffey, Springer

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, further consideration of Substitute House Bill No. 1170 was deferred and the bill held its place on the third reading calendar.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5370 and asks the Senate for a conference thereon. The Speaker has appointed the following members as Conferees: Representatives Fey, Orwall, Dent

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Keiser, the Senate granted the request of the House for a conference on Substitute Senate Bill No. 5370 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5370 and the House amendment(s) there to: Senators Keiser, Saldaña and Warnick.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed by voice vote.

MESSAGE FROM THE HOUSE

April 24, 2019

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1155 and has passed the bill as recommended by the Conference Committee.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE Substitute House Bill No. 1155

April 24, 2019

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Substitute House Bill No. 1155, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.12 RCW to read as follows:

(1) An employer shall provide employees with meal and rest periods as required by law, subject to the following:

(a) Rest periods must be scheduled at any point during each work period during which the employee is required to receive a rest period;

(b) Employers must provide employees with uninterrupted meal and rest breaks. This subsection (1)(b) does not apply in the case of:

(i) An unforeseeable emergent circumstance, as defined in RCW 49.28.130; or

(ii) A clinical circumstance, as determined by the employee, employer, or employer's designee, that may lead to a significant adverse effect on the patient's condition:

(A) Without the knowledge, specific skill, or ability of the employee on break; or

(B) Due to an unforeseen or unavoidable event relating to patient care delivery requiring immediate action that could not be planned for by an employer;

(c) For any rest break that is interrupted before ten complete minutes by an employer or employer's designee under the provisions of (b)(ii) of this subsection, the employee must be given an additional ten minute uninterrupted rest break at the earliest reasonable time during the work period during which the employee is required to receive a rest period. If the elements of this subsection are met, a rest break shall be considered taken for the purposes of the minimum wage act as defined by chapter 49.46 RCW.

(2) The employer shall provide a mechanism to record when an employee misses a meal or rest period and maintain these records.

(3) For purposes of this section, the following terms have the following meanings:

(a) "Employee" means a person who:

(i) Is employed by a health care facility;

(ii) Is involved in direct patient care activities or clinical services;

(iii) Receives an hourly wage or is covered by a collective bargaining agreement; and

(iv) Is a licensed practical nurse or registered nurse licensed under chapter 18.79 RCW, a surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a nursing assistant-certified as defined in RCW 18.88A.020.

(b) "Employer" means hospitals licensed under chapter 70.41 RCW, except that the following hospitals are excluded until July 1, 2021:

(i) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(ii) Hospitals with fewer than twenty-five acute care beds in operation; and

(iii) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1,

2013, that: Have had less than one hundred fifty acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision.

Sec. 2. RCW 49.28.130 and 2011 c 251 s 1 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 49.28.140 and 49.28.150 unless the context clearly requires otherwise.

(1)(a) "Employee" means a (~~licensed practical nurse or a registered nurse licensed under chapter 18.79 RCW~~) person who:

(i) ~~Is~~ employed by a health care facility (~~who~~);

(ii) ~~Is~~ involved in direct patient care activities or clinical services (~~and~~);

(iii) Receives an hourly wage or is covered by a collective bargaining agreement; and

(iv) Is either:

(A) A licensed practical nurse or registered nurse licensed under chapter 18.79 RCW; or

(B) Beginning July 1, 2020, a surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a nursing assistant-certified as defined in RCW 18.88A.020.

(b) "Employee" does not mean a person who:

(i) Is employed by a health care facility as defined in subsection (3)(a)(v) of this section; and

(ii) Is a surgical technologist registered under chapter 18.215 RCW, a diagnostic radiologic technologist or cardiovascular invasive specialist certified under chapter 18.84 RCW, a respiratory care practitioner licensed under chapter 18.89 RCW, or a certified nursing assistant as defined in RCW 18.88A.020.

(2) "Employer" means an individual, partnership, association, corporation, the state, a political subdivision of the state, or person or group of persons, acting directly or indirectly in the interest of a health care facility.

(3)(a) "Health care facility" means the following facilities, or any part of the facility, including such facilities if owned and operated by a political subdivision or instrumentality of the state, that operate on a twenty-four hours per day, seven days per week basis:

(i) Hospices licensed under chapter 70.127 RCW;

(ii) Hospitals licensed under chapter 70.41 RCW, except that until July 1, 2021, the provisions of section 3, chapter . . . , Laws of 2019 (section 3 of this act) do not apply to:

(A) Hospitals certified as critical access hospitals under 42 U.S.C. Sec. 1395i-4;

(B) Hospitals with fewer than twenty-five acute care beds in operation; and

(C) Hospitals certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013, that: Have had less than one hundred fifty acute care licensed beds in fiscal year 2011; have a level III adult trauma service designation from the department of health as of January 1, 2014; and are owned and operated by the state or a political subdivision;

(iii) Rural health care facilities as defined in RCW 70.175.020;

(iv) Psychiatric hospitals licensed under chapter 71.12 RCW;

or

(v) Facilities owned and operated by the department of corrections or by a governing unit as defined in RCW 70.48.020 in a correctional institution as defined in RCW 9.94.049 that

provide health care services (~~(to inmates as defined in RCW 72.09.015)~~).

(b) If a nursing home regulated under chapter 18.51 RCW or a home health agency regulated under chapter 70.127 RCW is operating under the license of a health care facility, the nursing home or home health agency is considered part of the health care facility for the purposes of this subsection.

(4) "Overtime" means the hours worked in excess of an agreed upon, predetermined, regularly scheduled shift within a twenty-four hour period not to exceed twelve hours in a twenty-four hour period or eighty hours in a consecutive fourteen-day period.

(5) "On-call time" means time spent by an employee who is not working on the premises of the place of employment but who is compensated for availability or who, as a condition of employment, has agreed to be available to return to the premises of the place of employment on short notice if the need arises.

(6) "Reasonable efforts" means that the employer, to the extent reasonably possible, does all of the following but is unable to obtain staffing coverage:

(a) Seeks individuals to volunteer to work extra time from all available qualified staff who are working;

(b) Contacts qualified employees who have made themselves available to work extra time;

(c) Seeks the use of per diem staff; and

(d) Seeks personnel from a contracted temporary agency when such staffing is permitted by law or an applicable collective bargaining agreement, and when the employer regularly uses a contracted temporary agency.

(7) "Unforeseeable emergent circumstance" means (a) any unforeseen declared national, state, or municipal emergency; (b) when a health care facility disaster plan is activated; or (c) any unforeseen disaster or other catastrophic event which substantially affects or increases the need for health care services.

Sec. 3. RCW 49.28.140 and 2002 c 112 s 3 are each amended to read as follows:

(1) No employee of a health care facility may be required to work overtime. Attempts to compel or force employees to work overtime are contrary to public policy, and any such requirement contained in a contract, agreement, or understanding is void.

(2) The acceptance by any employee of overtime is strictly voluntary, and the refusal of an employee to accept such overtime work is not grounds for discrimination, dismissal, discharge, or any other penalty, threat of reports for discipline, or employment decision adverse to the employee.

(3) This section does not apply to overtime work that occurs:

(a) Because of any unforeseeable emergent circumstance;

(b) Because of prescheduled on-call time, subject to the following:

(i) Mandatory prescheduled on-call time may not be used in lieu of scheduling employees to work regularly scheduled shifts when a staffing plan indicates the need for a scheduled shift; and

(ii) Mandatory prescheduled on-call time may not be used to address regular changes in patient census or acuity or expected increases in the number of employees not reporting for predetermined scheduled shifts;

(c) When the employer documents that the employer has used reasonable efforts to obtain staffing. An employer has not used reasonable efforts if overtime work is used to fill vacancies resulting from chronic staff shortages; or

(d) When an employee is required to work overtime to complete a patient care procedure already in progress where the absence of the employee could have an adverse effect on the patient.

(4) An employee accepting overtime who works more than twelve consecutive hours shall be provided the option to have at

least eight consecutive hours of uninterrupted time off from work following the time worked.

NEW SECTION. Sec. 4. This act takes effect January 1, 2020."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 49.28.130 and 49.28.140; adding a new section to chapter 49.12 RCW; and providing an effective date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Dhingra and Van De Wege; Representatives Cody and Sells.

MOTION

Senator Dhingra moved that the Report of the Conference Committee on Substitute House Bill No. 1155 be adopted.

Senators Dhingra and Saldaña spoke in favor of passage of the motion.

Senators King, Padden, Walsh, Honeyford and Fortunato spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Report of the Conference Committee on Substitute House Bill No. 1155 be adopted.

The motion by Senator Dhingra carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1155, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1155, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Brown, Ericksen, Hawkins, Honeyford, King, Padden, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Takko

SUBSTITUTE HOUSE BILL NO. 1155, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5276 with the following amendment(s): 5276-S2.E AMH ENGR H2883.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to:

(1) Authorize and establish a new licensing and regulatory program for hemp production in this state in accordance with the agriculture improvement act of 2018;

(2) Replace the industrial hemp research program in chapter 15.120 RCW, with the new licensing and regulatory program established in this chapter, and enable hemp growers licensed under the industrial hemp research program on the effective date of rules implementing this chapter and regulating hemp production, to transfer into the program created in this chapter; and

(3) Authorize the growing of hemp as a legal, agricultural activity in this state. Hemp is an agricultural product that may be legally grown, produced, processed, possessed, transferred, commercially sold, and traded. Hemp and processed hemp produced in accordance with this chapter or produced lawfully under the laws of another state, tribe, or country may be transferred and sold within the state, outside of this state, and internationally. Nothing in this chapter is intended to prevent or restrain commerce in this state involving hemp or hemp products produced lawfully under the laws of another state, tribe, or country.

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

(1) "Agriculture improvement act of 2018" means sections 7605, 10113, 10114, and 12619 of the agriculture improvement act of 2018, P.L. 115-334.

(2) "Crop" means hemp grown as an agricultural commodity.

(3) "Cultivar" means a variation of the plant *Cannabis sativa L.* that has been developed through cultivation by selective breeding.

(4) "Department" means the Washington state department of agriculture.

(5) "Hemp" means the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

(6)(a) "Industrial hemp" means all parts and varieties of the genera *Cannabis*, cultivated or possessed by a grower, whether growing or not, that contain a tetrahydrocannabinol concentration of 0.3 percent or less by dry weight that was grown under the industrial hemp research program as it existed on December 31, 2019.

(b) "Industrial hemp" does not include plants of the genera *Cannabis* that meet the definition of "marijuana" as defined in RCW 69.50.101.

(7) "Postharvest test" means a test of delta-9 tetrahydrocannabinol concentration levels of hemp after being harvested based on:

(a) Ground whole plant samples without heat applied; or

(b) Other approved testing methods.

(8) "Process" means the processing, compounding, or conversion of hemp into hemp commodities or products.

(9) "Produce" or "production" means the planting, cultivation, growing, or harvesting of hemp including hemp seed.

NEW SECTION. Sec. 3. (1) The department must develop an agricultural commodity program to replace the industrial hemp research pilot program in chapter 15.120 RCW, in accordance with the agriculture improvement act of 2018.

(2) The department has sole regulatory authority over the production of hemp and may adopt rules to implement this chapter. All rules relating to hemp, including any testing of hemp,

are outside of the control and authority of the liquor and cannabis board.

(3) If the department adopts rules implementing this chapter that are effective by June 1, 2019, persons licensed to grow hemp under chapter 15.120 RCW may transfer into the regulatory program established in this chapter, and continue hemp production under this chapter. If the department adopts rules implementing this chapter that are effective after June 1, 2019, people licensed to grow hemp under chapter 15.120 RCW may continue hemp production under this chapter as of the effective date of the rules.

(4) Immediately upon the effective date of this section, and before the adoption of rules implementing this chapter, persons licensed to grow hemp under chapter 15.120 RCW may produce hemp in a manner otherwise consistent with the provisions of this chapter and the agriculture improvement act of 2018.

NEW SECTION. Sec. 4. (1) The department must develop the state's hemp plan to conform to the agriculture improvement act of 2018, to include consultation with the governor and the attorney general and the plan elements required in the agriculture improvement act of 2018.

(2) Consistent with subsection (1) of this section, the state's hemp plan must include the following elements:

(a) A practice for hemp producers to maintain relevant information regarding land on which hemp is produced, including a legal description of the land, for a period of not less than three calendar years;

(b) A procedure for testing, using postdecarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp, without the application of heat;

(c) A procedure for the effective disposal of plants, whether growing or not, that are produced in violation of this chapter, and products derived from such plants;

(d) A procedure for enforcement of violations of the plan and for corrective action plans for licensees as required under the agriculture improvement act of 2018;

(e) A procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify hemp is not produced in violation of this chapter; and

(f) A certification that the state has the resources and personnel to carry out the practices and procedures described in this section.

(3) The proposal for the state's plan may include any other practice or procedure established to the extent the practice or procedure is consistent with the agriculture improvement act of 2018.

(4) Hemp and processed hemp produced in accordance with this chapter or produced lawfully under the laws of another state, tribe, or country may be transferred and sold within this state, outside of this state, and internationally.

(5) The whole hemp plant may be used as food. The department shall regulate the processing of hemp for food products that are allowable under federal law in the same manner as other food processing under chapters 15.130 and 69.07 RCW and may adopt rules as necessary to properly regulate the processing of hemp for food products including, but not limited to, establishing standards for creating hemp extracts used for food. The department shall not consider foods containing hemp to be adulterated when produced in compliance with state law and the rules adopted by the department. Nothing in this chapter authorizes the production of hemp food products that are not allowed under federal law.

NEW SECTION. Sec. 5. The department must develop a postharvest test protocol for testing hemp under this chapter that includes testing of whole plant samples or other testing protocol identified in regulations established by the United States

department of agriculture, including the testing procedures for delta-9 tetrahydrocannabinol concentration levels of hemp produced by producers under the state plan.

NEW SECTION. Sec. 6. (1) The department must issue hemp producer licenses to applicants qualified under this chapter and the agriculture improvement act of 2018. The department may adopt rules pursuant to this chapter and chapter 34.05 RCW as necessary to license persons to grow hemp under a commercial hemp program.

(2) The plan must identify qualifications for license applicants, to include adults and corporate persons and to exclude persons with felony convictions as required under the agriculture improvement act of 2018.

(3) The department must establish license fees in an amount that will fund the implementation of this chapter and sustain the hemp program. The department may adopt rules establishing fees for tetrahydrocannabinol testing, inspections, and additional services required by the United States department of agriculture. License fees and any money received by the department under this chapter must be deposited in the hemp regulatory account created in section 8 of this act.

NEW SECTION. Sec. 7. A person producing hemp pursuant to this chapter must notify the department of the source of the hemp seed or clones solely for the purpose of maintaining a record of the sources of seeds and clones being used or having been used for hemp production in this state. Hemp seed is an agricultural seed.

NEW SECTION. Sec. 8. The hemp regulatory account is created in the custody of the state treasurer. All receipts from fees established under this chapter must be deposited into the account. Expenditures from the account may be used only for implementing this chapter. Only the director of the state department of agriculture or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 9. Washington State University may, within existing resources, develop and make accessible an internet-based application designed to assist hemp producers by providing regional communications concerning recommended planting times for hemp crops in this state.

NEW SECTION. Sec. 10. (1) There is no distance requirement, limitation, or buffer zone between any licensed hemp producer or hemp processing facility licensed or authorized under this chapter and any marijuana producer or marijuana processor licensed under chapter 69.50 RCW. No rule may establish such a distance requirement, limitation, or buffer zone without the evaluation of sufficient data showing impacts to either crop as a result of cross-pollination.

(2) Notwithstanding subsection (1) of this section, in an effort to prevent cross-pollination between hemp plants produced under this chapter and marijuana plants produced under chapter 69.50 RCW, the department, in consultation with the liquor and cannabis board, must review the state's policy regarding cross-pollination and pollen capture to ensure an appropriate policy is in place, and must modify policies or establish new policies as appropriate. Under any such policy, when a documented conflict involving cross-pollination exists between two farms or production facilities growing or producing hemp or marijuana, the farm or production facility operating first in time shall have the right to continue operating and the farm or production facility operating second in time must cease growing or producing hemp or marijuana, as applicable.

NEW SECTION. Sec. 11. (1) The department must use expedited rule making to adopt the state hemp plan submitted to the United States department of agriculture. As allowed under this section, rule making by the department to adopt the approved hemp plan qualifies as expedited rule making under RCW 34.05.353. Upon the submittal of the plan to the United States department of agriculture, the department may conduct initial expedited rule making under RCW 34.05.353 to establish rules to allow hemp licenses to be issued without delay.

(2) On the effective date of rules adopted by the department regulating hemp production under chapter 15.--- RCW (the new chapter created in section 17 of this act), a licensed hemp producer under this chapter may immediately produce hemp pursuant to chapter 15.--- RCW (the new chapter created in section 17 of this act) with all the privileges of a hemp producer licensed under chapter 15.--- RCW (the new chapter created in section 17 of this act).

Sec. 12. RCW 69.50.101 and 2018 c 132 s 2 are each reenacted and amended to read as follows:

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

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(d) "CBD product" means any product containing or consisting of cannabidiol.

(e) "Commission" means the pharmacy quality assurance commission.

(f) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules, but does not include hemp or industrial hemp as defined in (~~RCW 15.120.010~~) section 2 of this act.

(g)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or

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chapter 69.77 RCW to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(h) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(i) "Department" means the department of health.

(j) "Designated provider" has the meaning provided in RCW 69.51A.010.

(k) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(l) "Dispenser" means a practitioner who dispenses.

(m) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(n) "Distributor" means a person who distributes.

(o) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(p) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(q) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(r) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(s) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(t) "Isomer" means an optical isomer, but in subsection (ff)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(u) "Lot" means a definite quantity of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(v) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused product.

(w) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(x) "Marijuana" or "marihuana" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or

(2) (~~Industrial hemp as defined in RCW 15.120.010~~) Hemp or industrial hemp as defined in section 2 of this act, seeds used for licensed hemp production under chapter 15.--- RCW (the new chapter created in section 17 of this act).

(y) "Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(z) "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

(aa) "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

(bb) "Marijuana products" means useable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

(cc) "Marijuana researcher" means a person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

(dd) "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

(ee) "Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in subsection (x) of this section, and have a THC concentration no greater than ten

percent. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

(ff) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in subparagraphs (1) through (7).

(gg) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(hh) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(ii) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(jj) "Plant" has the meaning provided in RCW 69.51A.010.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an osteopathic physician assistant under chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any limitations in RCW 18.57A.040; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a

controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical quality assurance commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(mm) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(nn) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(oo) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(pp) "Recognition card" has the meaning provided in RCW 69.51A.010.

(qq) "Retail outlet" means a location licensed by the state liquor and cannabis board for the retail sale of marijuana concentrates, useable marijuana, and marijuana-infused products.

(rr) "Secretary" means the secretary of health or the secretary's designee.

(ss) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(tt) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of marijuana product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(uu) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(vv) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include either marijuana-infused products or marijuana concentrates.

Sec. 13. RCW 69.50.204 and 2015 2nd sp.s. c 4 s 1203 are each amended to read as follows:

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:

(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:

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

(2) Acetylmethadol;

(3) Allylprodine;

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(4) Alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

- (5) Alphameprodine;
- (6) Alphamethadol;
- (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- (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-hydroxy-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) Levophenacetylmorphan;
- (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-phenylpropanamide);
- (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~~) 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) Methylodesorphine;
- (14) Methylhydromorphine;
- (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-methylenedioxymethamphetamine (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-hydroxindole; 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-pyndo (1',2' 1,2) azepino (5,4-b) indole; Tabernathe 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;
 (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)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the ((~~genus~~) genera Cannabis ((~~cannabis plant~~))), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of the genera Cannabis, ((~~species~~)) and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

((+)) (A) 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;

((+)) (B) 6 - cis - or trans tetrahydrocannabinol, and their optical isomers;

((+)) (C) 3,4 - cis - or trans tetrahydrocannabinol, and its optical isomers; or

((+)) (D) That is chemically synthesized and either:

((+)) (I) Has been demonstrated to have binding activity at one or more cannabinoid receptors; or

((+)) (II) 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.)

(ii) Hemp and industrial hemp, as defined in section 2 of this act, are excepted from the categories of controlled substances identified under this section;

(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-thienyl]-cyclohexyl)-piperidine; 2-thienylanalog of phencyclidine; TCP; 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)-propiophenone; alpha-(methylamino)propiophenone; 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. 14. RCW 15.120.020 and 2016 sp.s. c 11 s 3 are each amended to read as follows:

Except as otherwise provided in this chapter, industrial hemp is an agricultural product that may be grown, produced, possessed, processed, and exchanged in the state solely and exclusively as part of an industrial hemp research program supervised by the department. Except when allowed under federal law, processing any part of industrial hemp, except seed, as food, extract, oil, cake, concentrate, resin, or other preparation for topical use, oral consumption, or inhalation by humans is prohibited.

NEW SECTION. Sec. 15. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2020:

(1)RCW 15.120.005 (Intent) and 2016 sp.s. c 11 s 1;

(2)RCW 15.120.010 (Definitions) and 2016 sp.s. c 11 s 2;

(3)RCW 15.120.020 (Industrial hemp—Agricultural product—Exclusively as part of industrial hemp research

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program) and 2019 c ... s 14 (section 14 of this act) & 2016 sp.s. c 11 s 3;

amendment(s) to Engrossed Second Substitute Senate Bill No. 5276.

(4)RCW 15.120.030 (Rule-making authority) and 2016 sp.s. c 11 s 4;

The motion by Senator Ericksen carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5276 by voice vote.

(5)RCW 15.120.035 (Rule-making authority—Monetary penalties, license suspension or forfeiture, other sanctions—Rules to be consistent with section 7606 of federal agricultural act of 2014) and 2017 c 317 s 10;

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5276, as amended by the House.

(6)RCW 15.120.040 (Industrial hemp research program—Established—Licensure—Seed certification program—Permission/waiver from appropriate federal entity) and 2016 sp.s. c 11 s 5;

ROLL CALL

(7)RCW 15.120.050 (Application form—Fee—Licensure—Renewal—Record of license forwarded to county sheriff—Public disclosure exemption) and 2016 sp.s. c 11 s 6; and

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5276, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

(8)RCW 15.120.060 (Sales and transfers of industrial hemp produced for processing—Department and state liquor and cannabis board to study feasibility and practicality of implementing legislatively authorized regulatory framework) and 2017 c 317 s 9.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Takko

NEW SECTION. Sec. 16. Beginning on the effective date of this section:

(1) No law or rule related to certified or interstate hemp seeds applies to or may be enforced against a person with a license to produce or process hemp issued under this chapter or chapter 15.120 RCW; and

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5276, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

(2) No department or other state agency rule may establish or enforce a buffer zone or distance requirement between a person with a license or authorization to produce or process hemp under this chapter or chapter 15.120 RCW and a person with a license to produce or process marijuana issued under chapter 69.50 RCW. The department may not adopt rules without the evaluation of sufficient data showing impacts to either crop as a result of cross-pollination.

Senator Walsh: "Well, we have lost a lot of really great people around here this year and, last night, we lost one of the greatest. Sharon Hayward worked in the House for many, many years. She was Allen Hayward's wife and just one of the loveliest people you will ever meet. And I would hope that we can all recognize her with a little moment of silence on the floor today for her incredible public service in this place for many, many years. She passed away. Complications, and had brain cancer and she retired here quite a few years ago so I know a lot of the new members didn't know Sharon but, again, just one of the greatest public servants you will have ever met and I would just like to recognize her incredible service to this state with a little moment of silence."

MOMENT OF SILENCE

NEW SECTION. Sec. 17. Sections 1 through 11 and 16 of this act constitute a new chapter in Title 15 RCW.

At the request of Senator Walsh, the senate rose and observed a moment of silence in remembrance of Mrs. Sharon Hayward, former Deputy Chief Clerk and long-time staff member of the House of Representatives, who passed away Tuesday, April 23.

NEW SECTION. Sec. 18. 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. 19. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

MOTION

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

At 1:03 p.m., on motion of Senator Liias, the Senate adjourned until 11:00 o'clock a.m. Thursday, April 25, 2019.

CYRUS HABIB, President of the Senate

MOTION

Senator Ericksen moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5276.

Senator Ericksen spoke in favor of the motion.

BRAD HENDRICKSON, Secretary of the Senate

The President declared the question before the Senate to be the motion by Senator Ericksen that the Senate concur in the House

ONE HUNDRED SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, April 25, 2019

The Senate was called to order at 11:01 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Nalani Hall and Mr. Brandon Petersen, presented the Colors.

Page Mr. Blaine Keesee led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Dr. Stuart Dugan, Head Pastor of Lacey Presbyterian Church.

The President called upon the Secretary to read the journal of the preceding day.

MOTION

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

SIGNED BY THE PRESIDENT

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

ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5276.

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 24, 2019

E2SHB 2042 Prime Sponsor, Committee on Finance: Advancing green transportation adoption. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Wilson, C.; Randall; Nguyen; Lovelett; Das; Cleveland; Saldaña, Vice Chair Hobbs, Chair.

MINORITY recommendation: Do not pass. Signed by Senators Padden; O'Ban; Fortunato; Sheldon, Assistant Ranking Member; King, Ranking Member and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

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

MOTION

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

MESSAGES FROM THE HOUSE

April 24, 2019

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE SENATE BILL NO. 5010,
- SUBSTITUTE SENATE BILL NO. 5017,
- SECOND SUBSTITUTE SENATE BILL NO. 5021,
- SENATE BILL NO. 5022,
- SUBSTITUTE SENATE BILL NO. 5023,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5027,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5035,
- SUBSTITUTE SENATE BILL NO. 5063,
- SENATE BILL NO. 5088,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5127,
- SENATE BILL NO. 5132,
- SUBSTITUTE SENATE BILL NO. 5166,
- SUBSTITUTE SENATE BILL NO. 5181,
- SENATE BILL NO. 5205,
- ENGROSSED SENATE BILL NO. 5210,
- SUBSTITUTE SENATE BILL NO. 5212,
- SUBSTITUTE SENATE BILL NO. 5218,
- SENATE BILL NO. 5233,
- SENATE BILL NO. 5300,
- ENGROSSED SENATE BILL NO. 5334,
- ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5432,
- SUBSTITUTE SENATE BILL NO. 5689,
- SECOND SUBSTITUTE SENATE BILL NO. 5903,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 24, 2019

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1071,
- SUBSTITUTE HOUSE BILL NO. 1075,
- ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1112,
- HOUSE BILL NO. 1133,
- HOUSE BILL NO. 1176,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379,
- ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1599,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1692,
- ENGROSSED HOUSE BILL NO. 1756,
- HOUSE BILL NO. 1792,

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018,
SUBSTITUTE HOUSE BILL NO. 2049,
HOUSE BILL NO. 2052,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 24, 2019

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
SUBSTITUTE SENATE BILL NO. 5012,
SUBSTITUTE SENATE BILL NO. 5106,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5383,
SUBSTITUTE SENATE BILL NO. 5405,
SECOND SUBSTITUTE SENATE BILL NO. 5433,
SECOND SUBSTITUTE SENATE BILL NO. 5437,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5438,
SENATE BILL NO. 5508,
SUBSTITUTE SENATE BILL NO. 5550,
ENGROSSED SENATE BILL NO. 5573,
SECOND SUBSTITUTE SENATE BILL NO. 5577,
SUBSTITUTE SENATE BILL NO. 5670,
SUBSTITUTE SENATE BILL NO. 5723,
SENATE BILL NO. 5918,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 24, 2019

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5089,
SENATE BILL NO. 5107,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5116,
SUBSTITUTE SENATE BILL NO. 5135,
SENATE BILL NO. 5145,
SUBSTITUTE SENATE BILL NO. 5151,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5223,
SENATE BILL NO. 5227,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5397,
SENATE BILL NO. 5415,
SUBSTITUTE SENATE BILL NO. 5552,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5579,
SUBSTITUTE SENATE BILL NO. 5597,
SENATE BILL NO. 5651,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5688,
SECOND SUBSTITUTE SENATE BILL NO. 5718,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 24, 2019

MR. PRESIDENT:
The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1155 and has passed the bill as recommended by the Conference Committee. and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 24, 2019

MR. PRESIDENT:
The House concurred in the Senate amendments to the following bills and passed the bills as amended by the Senate:
HOUSE BILL NO. 1016,
SUBSTITUTE HOUSE BILL NO. 1083,

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ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1324,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1593,
SECOND SUBSTITUTE HOUSE BILL NO. 1767,
SECOND SUBSTITUTE HOUSE BILL NO. 1907,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1923,
ENGROSSED HOUSE BILL NO. 2067,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6022 by Senators Zeiger and Padden
AN ACT Relating to fentanyl; amending RCW 9A.42.100; and prescribing penalties.

Referred to Committee on Law & Justice.

SB 6023 by Senators Zeiger, Wellman, Padden, Short and Mullet
AN ACT Relating to parenting plans; amending RCW 26.09.002, 26.09.015, 26.09.187, 26.09.197, 26.09.260, and 2.56.180; and reenacting and amending RCW 26.09.004.

Referred to Committee on Law & Justice.

MOTION

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

MOTION

At 11:09 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:52 p.m. by President Habib.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Warnick moved that Robert Nellams, Senate Gubernatorial Appointment No. 9062, be confirmed as a member of the Central Washington University Board of Trustees.
Senator Warnick spoke in favor of the motion.

MOTION

On motion of Senator Bailey, Senator Rivers was excused.

APPOINTMENT OF ROBERT NELLAMS

The President declared the question before the Senate to be the confirmation of Robert Nellams, Senate Gubernatorial Appointment No. 9062, as a member of the Central Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Robert Nellams, Senate Gubernatorial Appointment No. 9062, as a member of the Central Washington University Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

Robert Nellams, Senate Gubernatorial Appointment No. 9062, having received the constitutional majority was declared confirmed as a member of the Central Washington University Board of Trustees.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015, by House Committee on Capital Budget (originally sponsored by Doglio, DeBolt, Dolan, Walsh, Blake, Springer, Tarleton and Pollet)

Providing funding for the Washington state library-archives building and operations of library and archives facilities.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the current facilities housing the Washington state archives, Washington state library, Washington state corporations and charities office, and the state elections office is in need of modernization and update. This is due to these vital programs being housed in obsolete and crowded facilities that do not meet modern standards for the functions performed in each.

(2) It is the intent of the secretary of state and the legislature to preserve and protect the state's vital records and collections, provide convenient service to the public, be excellent stewards of state funds, and house staff and collections in a state of the art, energy efficient building owned and operated by the office of the

secretary of state. This will be accomplished by constructing a new building funded by a financing contract entered into by the secretary of state pursuant to chapter 39.94 RCW. The principal and interest requirements of the financing contract will be serviced by existing rents, existing fees, and a new fee on documents recorded at county recording offices.

(3) This building, to be known as the library-archives building, will replace the existing state archives, the existing leased library location, the existing leased elections office, and the corporations and charities building on Capitol Way in addition to consolidating other archival structures. The consolidation of facilities will create efficiency under RCW 43.82.010(6) and convenience for customers with the eventual goal of housing all functions of the various divisions of the office of the secretary of state.

NEW SECTION. Sec. 2. A new section is added to chapter 43.07 RCW to read as follows:

The secretary of state's office shall own and operate the library-archives building. The secretary of state's office is authorized to enter into a long-term land lease from the port of Olympia for a period of up to seventy-five years. To comply with the provisions of this section, this project is exempt from the provisions of RCW 43.82.010.

Sec. 3. RCW 36.18.010 and 2015 3rd sp.s. c 28 s 1 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description; PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five

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dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees;

(11) For recording instruments, a three dollar surcharge to be deposited into the Washington state (~~heritage center~~) library operations account created in RCW 43.07.129;

(12) For recording instruments, a two dollar surcharge to be deposited into the Washington state library-archives building account created in section 9 of this act until the financing contract entered into by the secretary of state for the Washington state library-archives building is paid in full;

(13) For recording instruments, a surcharge as provided in RCW 36.22.178; and

~~((13))~~ (14) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179.

Sec. 4. RCW 36.22.175 and 2017 c 303 s 7 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records schedule compliance, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

~~(3)((a))~~ In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the (~~local government archives account under RCW 40.14.024 to be used exclusively for:~~ (i) ~~The construction and improvement of a specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management~~

needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.

~~(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments for the Washington state heritage center, the local government archives account under RCW 40.14.024 may be used for the Washington state heritage center.~~

~~(c) At such time that all debt service from construction of the specialized regional archive facility located in eastern Washington has been paid,) following accounts, fifty percent of the surcharge authorized by this subsection shall be reverted to the ((centennial document preservation and modernization)) local government archives account as prescribed in RCW ~~((36.22.170))~~ 40.14.024 for maintenance and operation of the specialized regional archive facility located in eastern Washington and fifty percent of the surcharge authorized by this section shall be reverted to the (~~state treasurer for deposit in the public records efficiency, preservation, and access account to serve the archives, records management, and digital data management needs of local government, except that the state treasurer shall not revert funds to the centennial document preservation and modernization account and to the public records efficiency, preservation, and access account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center~~) account created in section 9 of this act for payment of the financing contract entered into by the secretary of state for the Washington state library-archives building.~~

(4) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for the competitive grant program in RCW 40.14.026, and for the attorney general's consultation program and state archivist's training services authorized in RCW 42.56.570.

Sec. 5. RCW 36.22.175 and 2011 1st sp.s. c 50 s 931 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records scheduling, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge

revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

(3)~~((a))~~ In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the ~~((local government archives account under RCW 40.14.024 to be used exclusively for: (i) The construction and improvement of a specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.~~

~~(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments for the Washington state heritage center, the local government archives account under RCW 40.14.024 may be used for the Washington state heritage center.~~

~~(c) At such time that all debt service from construction of the specialized regional archive facility located in eastern Washington has been paid,) following accounts, fifty percent of the surcharge authorized by this subsection shall be reverted to the ((centennial document preservation and modernization)) local government archives account as prescribed in RCW ((36.22.170)) 40.14.024 for maintenance and operation of the specialized regional archive facility located in eastern Washington and fifty percent of the surcharge authorized by this section shall be reverted to the ((state treasurer for deposit in the public records efficiency, preservation, and access account to serve the archives, records management, and digital data management needs of local government, except that the state treasurer shall not revert funds to the centennial document preservation and modernization account and to the public records efficiency, preservation, and access account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center)) account created in section 9 of this act for payment of the financing contract entered into by the secretary of state for the Washington state library-archives building.~~

Sec. 6. RCW 43.07.128 and 2007 c 523 s 1 are each amended to read as follows:

(1) In addition to other required filing fees, the secretary of state shall collect a fee of five dollars at the time of filing for:

(a) Articles of incorporation for domestic corporations or applications for certificates of authority for foreign corporations under Title 23B RCW;

(b) Certificates of formation for domestic limited liability companies or registrations of foreign limited liability companies under chapter 25.15 RCW;

(c) Registrations of foreign and domestic partnerships and limited liability partnerships under chapter 25.05 RCW;

(d) Certificates of limited partnership(s) s and registration(s) s of foreign limited partnerships under chapter 25.10 RCW; and

(e) Registrations of trademarks under chapter 19.77 RCW.

(2) Moneys received under subsection (1) of this section must be deposited into the ~~((Washington state heritage center))~~ library operations account created in RCW 43.07.129.

Sec. 7. RCW 43.07.129 and 2012 2nd sp.s. c 7 s 917 are each amended to read as follows:

The Washington state ~~((heritage center))~~ library operations account is created in the custody of the state treasurer. All moneys received under RCW 36.18.010(11) and 43.07.128 must be deposited in the account. Expenditures from the account may be made only for the following purposes:

(1) Payment of the ~~((certificate of participation issued))~~ financing contract entered into by the secretary of state for the Washington state ((heritage center)) library-archives building;

(2) Capital maintenance of the Washington state ~~((heritage center))~~ library-archives building and the specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and

(3) Program operations that serve the public, relate to the collections and exhibits housed in the Washington state ~~((heritage center))~~ library-archives building, or fulfill the missions of the state archives~~((s))~~ and state library((and capital museum)).

Only the secretary of state or the secretary of state's designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW. ~~((During the 2011-2013 fiscal biennium, the legislature may appropriate from the Washington state heritage center account for the purposes of state arts, historical, and library programs. Additionally, during the 2011-2013 fiscal biennium, the legislature may transfer from the Washington state heritage center account to the state general fund such amounts as reflect the excess fund balance of the fund.))~~

Sec. 8. RCW 43.07.370 and 2009 c 71 s 1 are each amended to read as follows:

(1) The secretary of state may solicit and accept gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms.

(2) Moneys received under this section may be used only for the following purposes:

(a) Conducting the Washington state legacy project;

(b) Archival activities;

(c) Washington state library activities;

(d) Development, construction, and operation of the Washington state ~~((heritage center))~~ library-archives building; and

(e) Donation of Washington state flags.

(3)(a) Moneys received under subsection (2)(a) through (c) of this section must be deposited in the Washington state legacy

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project, state library, and archives account established in RCW 43.07.380.

(b) Moneys received under subsection (2)(d) of this section must be deposited in the Washington state ~~((heritage center))~~ library-archives building account created in ~~((RCW 43.07.129))~~ section 9 of this act.

(c) Moneys received under subsection (2)(e) of this section must be deposited in the Washington state flag account created in RCW 43.07.388.

(4) The secretary of state shall adopt rules to govern and protect the receipt and expenditure of the proceeds.

NEW SECTION. Sec. 9. A new section is added to chapter 43.07 RCW to read as follows:

The Washington state library-archives building account is created in the custody of the state treasurer. All moneys received under RCW 36.18.010(12), 36.22.175(3), and 43.07.370(3) must be deposited in the account. Expenditures from the account may be made only for the purposes of payment of the financing contract entered into by the secretary of state for the Washington state library-archives building. Only the secretary of state or the secretary of state's designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW.

Sec. 10. RCW 43.79A.040 and 2018 c 260 s 28, 2018 c 258 s 4, and 2018 c 127 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

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

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair

fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state ~~((heritage center))~~ library-archives building account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, ~~((the))~~ the public employees' and retirees' insurance account, ((the)) the school employees' insurance account, ((and)) the radiation perpetual maintenance fund, and the library operations account.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

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

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

NEW SECTION. Sec. 11. Section 4 of this act expires June 30, 2020.

NEW SECTION. Sec. 12. Section 5 of this act takes effect June 30, 2020."

On page 1, line 3 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 36.18.010, 36.22.175, 36.22.175, 43.07.128, 43.07.129, and 43.07.370; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.07 RCW; creating a new section; providing an effective date; and providing an expiration date."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2015.

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

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute House Bill No. 2015 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2015 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2015 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Fortunato, O'Ban, Padden, Schoesler, Sheldon and Short

Excused: Senator Rivers

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2024, by House Committee on Finance (originally sponsored by Robinson and Cody)

Concerning deductions of incentive payments under the medicaid program established within 42 C.F.R. 438.6(b)(2) and Sec. 1115 medicaid demonstration project number 11-W-00304/0.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 2024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2024.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2024 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

SUBSTITUTE HOUSE BILL NO. 2024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1385, by Representatives Springer, Kretz, Blake, Chandler, Gregerson and Walsh

Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 1385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1385.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1385 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

HOUSE BILL NO. 1385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1667, by House Committee on Appropriations (originally sponsored by Springer, Walsh, Appleton, Peterson, Smith and Griffey)

Concerning public records request administration.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 40.14.026 and 2017 c 303 s 6 are each amended to read as follows:

(1) The division of archives and records management in the office of the secretary of state must establish and administer a competitive grant program for local agencies to improve technology information systems for public record retention, management, and disclosure, and any related training. The division of archives and records management may use up to six percent of amounts appropriated for the program for administration of the grant program. ~~((The program in this subsection ceases to exist June 30, 2020.))~~

(2) Any local agency may apply to the grant program. The division of archives and records management in the office of the secretary of state must award grants annually. The division of archives and records management must consult with the chief information officer to develop the criteria for grant recipient selection with a preference given to small local governmental agencies based on the applicant agency's need and ability to improve its information technology systems for public record retention, management, and disclosure. The division of archives and records management may award grants for specific hardware, software, equipment, technology services management and training needs, indexing for local records and digital data, and other resources for improving information technology systems. To the extent possible, information technology systems, processes, training, and other resources for improving information technology systems for records retention and distribution may be replicated and shared with other governmental entities. Grants are provided for one-time investments and are not an ongoing source of revenue for operation or management costs. A grantee may not supplant local funding with grant funding provided by the office of the secretary of state. ~~((The program in this subsection ceases to exist June 30, 2020.))~~

(3) The joint legislative audit and review committee must conduct a review of the attorney general's consultation program and the state archivist's training services created under section 4, chapter 303, Laws of 2017, and the local government competitive grant program created under this section. The review must include:

(a)(i) Information on the number of local governments served, the types of consultation and training provided, and the implementation of any practices adopted from the attorney general's consultation program and the state archivist's training services; and

(ii) The effectiveness of the consultation program and the training services in providing assistance for local governments; and

(b)(i) Information on the number of local governments that applied for and participated in the competitive grant program under this section, the amount of funding awarded through the grant program, and how such funding was used; and

(ii) The effectiveness of the grant program in improving local government technology information systems for public records retention, management, disclosure, and training.

(4) Each agency shall maintain a log of public records requests submitted to and processed by the agency, which shall include but not be limited to the following information for each request: The identity of the requestor if provided by the requestor, the date the request was received, the text of the original request, a description of the records produced in response to the request, a description of the records redacted or withheld and the reasons therefor, and the date of the final disposition of the request. The log must be retained by the agency in accordance with the relevant record retention schedule established under this chapter, and shall be a public record subject to disclosure under chapter 42.56 RCW.

(5) To improve best practices for dissemination of public records, each agency with actual staff and legal costs associated with fulfilling public records requests of at least one hundred thousand dollars during the prior fiscal year must, and each agency with such estimated costs of less than one hundred thousand dollars during the prior fiscal year may, report to the joint legislative audit and review committee by July 1st of each subsequent year the following metrics, measured over the preceding year:

~~(a) ((An identification of leading practices and processes for records management and retention, including technological upgrades, and what percentage of those leading practices and processes were implemented by the agency;~~

~~(b) The average length of time taken to acknowledge receipt of a public records request;~~

~~(c) The proportion of requests where the agency provided the requested records within five days of receipt of the request compared to the proportion of requests where the agency provided an estimate of an anticipated response time beyond five days of receipt of the request;~~

~~(d) A comparison of the agency's average initial estimate provided for full disclosure of responsive records with the actual time when all responsive records were fully disclosed, including whether the agency sent subsequent estimates of an anticipated response time;~~

~~(e)) The number of requests where the agency provided the requested records within five days of receiving the request.~~

~~(b) The number of requests where the agency provided a time estimate for providing responsive records beyond five days after receiving the request.~~

~~(c) The average and median number of days from receipt of request to the date the request is closed.~~

~~(d) The number of requests where the agency formally sought additional clarification from the requestor;~~

~~((#)) (e) The number of requests denied in full or in part and the most common reasons for denying requests;~~

~~((#)) (f) The number of requests abandoned by requestors;~~

~~((#)) (g) To the extent the information is known by the agency, requests by type of requestor, including individuals, law firms, organizations, insurers, governments, incarcerated persons, the media, anonymous requestors, current or former employees, and others;~~

~~((#)) (h) Which portion of requests were fulfilled electronically compared to requests fulfilled by physical records;~~

~~((#)) (i) The number of requests where the agency ~~((was required to scan))~~ scanned physical records electronically to fulfill disclosure;~~

~~((#)) (j) The total estimated agency staff time spent on each individual request;~~

~~((#)) (k) The estimated costs incurred by the agency in fulfilling records requests, including costs for staff compensation and legal review, and a measure of the average cost per request;~~

~~((#)) (l) The number of claims filed alleging a violation of chapter 42.56 RCW or other public records statutes in the past~~

year involving the agency, categorized by type and exemption at issue, if applicable;

~~((m))~~ (m) The costs incurred by the agency litigating claims alleging a violation of chapter 42.56 RCW or other public records statutes in the past year, including any penalties imposed on the agency;

~~((n))~~ (n) The costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records ~~((or otherwise assist in the fulfillment of public records requests)); and~~

~~((p))~~ (o) Expenses recovered by the agency from requestors for fulfilling public records requests, including any customized service charges ~~((and~~

~~(q) Measures of requestor satisfaction with agency responses, communication, and processes relating to the fulfillment of public records requests)).~~

(6) The joint legislative audit and review committee must consult with state and local agencies to develop a reporting method and clearly define standardized metrics in accordance with this section.

(7) By December 1, 2019, the joint legislative audit and review committee must report to the legislature on its findings from the review, including recommendations on whether the competitive grant program, the attorney general's consultation program, and the state archivist's training services should continue or be allowed to expire.

Sec. 2. RCW 42.56.570 and 2017 c 303 s 4 are each amended to read as follows:

(1) The attorney general's office shall publish, and update when appropriate, a pamphlet, written in plain language, explaining this chapter.

(2) The attorney general, by February 1, 2006, shall adopt by rule advisory model rules for state and local agencies, as defined in RCW 42.56.010, addressing the following subjects:

- (a) Providing fullest assistance to requestors;
- (b) Fulfilling large requests in the most efficient manner;
- (c) Fulfilling requests for electronic records; and
- (d) Any other issues pertaining to public disclosure as determined by the attorney general.

(3) The attorney general, in his or her discretion, may from time to time revise the model ~~((rule(s)))~~ rules.

(4) Local agencies should consult the advisory model rules when establishing local ordinances for compliance with the requirements and responsibilities of this chapter.

~~((Until June 30, 2020,))~~ (5) The attorney general must establish a consultation program to provide information for developing best practices for local agencies requesting assistance in compliance with this chapter including, but not limited to: Responding to records requests, seeking additional public and private resources for developing and updating technology information services, and mitigating liability and costs of compliance. The attorney general may develop the program in conjunction with the advisory model rule and may collaborate with the chief information officer, the state archivist, and other relevant agencies and organizations in developing and managing the program. ~~((The program in this subsection ceases to exist June 30, 2020.))~~

~~((Until June 30, 2020,))~~ (6) The state archivist must offer and provide consultation and training services for local agencies on improving record retention practices.

Sec. 3. RCW 36.22.175 and 2011 1st sp.s. c 50 s 931 are each amended to read as follows:

(1)(a) In addition to any other charge authorized by law, the county auditor shall charge a surcharge of one dollar per

instrument for each document recorded. Revenue generated through this surcharge shall be transmitted monthly to the state treasurer for deposit in the local government archives account under RCW 40.14.024. These funds shall be used solely for providing records scheduling, security microfilm inspection and storage, archival preservation, cataloging, and indexing for local government records and digital data and access to those records and data through the regional branch archives of the division of archives and records management.

(b) The division of archives and records management within the office of the secretary of state shall provide records management training for local governments and shall establish a competitive grant program to solicit and prioritize project proposals from local governments for potential funding to be paid for by funds from the auditor surcharge and tax warrant surcharge revenues. Application for specific projects may be made by local government agencies only. The state archivist in consultation with the advisory committee established under RCW 40.14.027 shall adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria including requirements for records management training for grant recipients.

(2) The advisory committee established under RCW 40.14.027 shall review grant proposals and establish a prioritized list of projects to be considered for funding by January 1st of each even-numbered year, beginning in 2002. The evaluation of proposals and development of the prioritized list must be developed through open public meetings. Funding for projects shall be granted according to the ranking of each application on the prioritized list and projects will be funded only to the extent that funds are available. A grant award may have an effective date other than the date the project is placed on the prioritized list.

(3)(a) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded after January 1, 2002. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for: (i) The construction and improvement of a specialized regional facility located in eastern Washington designed to serve the archives, records management, and digital data management needs of local government; and (ii) payment of the certificate of participation issued for the Washington state heritage center to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the certificate of participation.

(b) To the extent the facilities are used for the storage and retrieval of state agency records and digital data, that portion of the construction of such facilities used for state government records and data shall be supported by other charges and fees paid by state agencies and shall not be supported by the surcharge authorized in this subsection, except that to the extent there is an excess fund balance in the account and fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments for the Washington state heritage center, the local government archives account under RCW 40.14.024 may be used for the Washington state heritage center.

(c) At such time that all debt service from construction of the specialized regional archive facility located in eastern Washington has been paid, fifty percent of the surcharge authorized by this subsection shall be reverted to the centennial document preservation and modernization account as prescribed in RCW 36.22.170 and fifty percent of the surcharge authorized by this section shall be reverted to the state treasurer for deposit in the public records efficiency, preservation, and access account to serve the archives, records management, and digital data management needs of local government, except that the state

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treasurer shall not revert funds to the centennial document preservation and modernization account and to the public records efficiency, preservation, and access account if fees generated under RCW 36.18.010 and 43.07.128 are insufficient to meet debt service payments on the Washington state heritage center.

(4) In addition to any other surcharge authorized by law, the county auditor shall charge a surcharge of one dollar per instrument for every document recorded. Revenue generated through this surcharge shall be transmitted to the state treasurer monthly for deposit in the local government archives account under RCW 40.14.024 to be used exclusively for the competitive grant program in RCW 40.14.026, and for the attorney general’s consultation program and state archivist’s training services authorized in RCW 42.56.570.

NEW SECTION. Sec. 4. Section 3 of this act takes effect June 30, 2020."

On page 1, line 1 of the title, after "administration;" strike the remainder of the title and insert "amending RCW 40.14.026, 42.56.570, and 36.22.175; and providing an effective date."

MOTION

Senator Padden moved that the following amendment no. 771 by Senator Padden be adopted:

On page 7, after line 27, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 42.56 RCW to read as follows:

The name and address of a person that participates in the Washington state patrol bump-fire stock buy-back program are exempt from disclosure under this chapter."

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

Senators Padden, Takko, O’Ban and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hunt spoke against adoption of the amendment to the committee striking amendment.

POINT OF ORDER

Senator Liias: “Thank you Mr. President. While I appreciate the content of amendment no. 771 and support it, the bill before us deals with public records administration at the Secretary of State’s Office and the Attorney General’s Office. It would appear that this is amending the public records act which is not covered under the scope and object of the underlying bill.”

Senator Padden: “Well, the only thing I would say is we are dealing with the same chapter of the RCW. And I think this covers it.”

RULING BY THE PRESIDENT

President Habib: “In responding to the point of order raised by Senator Liias, I find that the amendment proposed by Senator Padden to the Ways & Means striker does fall outside the scope and object of the underlying bill. The underlying bill is, relates to the administration of public records and does not add or remove certain categories of information or parties to public disclosure. And so the amendment which seeks to exempt a certain class of information from public disclosure does not fit within the scope

and object of what is, ultimately, an administrative bill. So, that amendment is ruled out of order.”

MOTION

On motion of Senator Kuderer, Senator Pedersen was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1667.

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

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 1667 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1667 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1667 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Padden, Palumbo, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Pedersen and Rivers

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1667, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2035, by Representatives Lovick and Frame

Concerning taxes on in-state broadcasters.

The measure was read the second time.

MOTION

On motion of Senator Frockt, the rules were suspended, House Bill No. 2035 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2035.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2035 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Rolfes
Excused: Senator Rivers

HOUSE BILL NO. 2035, 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 Wilson, L., Hobbs, King and Rivers

Addressing the creation of a deferred prosecution program for nonpayment of license fees and taxes for vehicle, vessel, and aircraft registrations.

MOTION

On motion of Senator Wilson, C., Senator Rolfes was excused.

MOTIONS

On motion of Senator Wilson, L., 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.

On motion of Senator Wilson, L., 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.

Senator Wilson, L. 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, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

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.

SIGNED BY THE PRESIDENT

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

SENATE BILL NO. 5054,
SENATE BILL NO. 5179,
SENATE BILL NO. 5260,
SUBSTITUTE SENATE BILL NO. 5266,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5272,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5284,
SECOND SUBSTITUTE SENATE BILL NO. 5287,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5298,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5318,
SUBSTITUTE SENATE BILL NO. 5324,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5330,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5356,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5410,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5418,
SUBSTITUTE SENATE BILL NO. 5425,
and ENGROSSED SENATE BILL NO. 5429.

MOTION

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

MESSAGES FROM THE HOUSE

April 25, 2019

MR. PRESIDENT:
The Speaker has signed:

SENATE BILL NO. 5199,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5276,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 25, 2019

MR. PRESIDENT:
The House has passed:

ENGROSSED HOUSE BILL NO. 1789,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2161,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 25, 2019

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

ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1139,
SUBSTITUTE HOUSE BILL NO. 1436,
SECOND SUBSTITUTE HOUSE BILL NO. 1893,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 25, 2019

MR. PRESIDENT:
The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1087,
SUBSTITUTE HOUSE BILL NO. 1196,
SECOND SUBSTITUTE HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 1225,

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ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1257,
 SECOND SUBSTITUTE HOUSE BILL NO. 1394,
 SECOND SUBSTITUTE HOUSE BILL NO. 1444,
 HOUSE BILL NO. 1462,
 ENGROSSED HOUSE BILL NO. 1465,
 SUBSTITUTE HOUSE BILL NO. 1476,
 HOUSE BILL NO. 1505,
 ENGROSSED HOUSE BILL NO. 1564,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1578,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1582,
 ENGROSSED HOUSE BILL NO. 1638,
 ENGROSSED HOUSE BILL NO. 1706,
 SUBSTITUTE HOUSE BILL NO. 1739,
 SUBSTITUTE HOUSE BILL NO. 1786,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1874,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2019

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5082. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5082-S2 AMH SANT H3054.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the social emotional learning committee is created to promote and expand social-emotional learning. Social-emotional learning will help students build awareness and skills in managing emotions, setting goals, establishing relationships, and making responsible decisions that support success in school and life.

(2) At a minimum, the committee shall:

(a) Develop and implement a statewide framework for social-emotional learning that is trauma-informed, culturally sustaining, and developmentally appropriate;

(b) Review and update as needed the standards and benchmarks for social-emotional learning and the developmental indicators for grades kindergarten through twelve and confirm they are evidence-based;

(c) Align the standards and benchmarks for social-emotional learning with other relevant standards and guidelines including the health and physical education K-12 learning standards and the early learning and development guidelines;

(d) Advise the office of the superintendent of public instruction's duty under section 2 of this act;

(e) Identify best practices or guidance for schools implementing the standards, benchmarks, and developmental indicators for social-emotional learning;

(f) Identify professional development opportunities for teachers and educational staff and review, update, and align as needed the social-emotional learning online education module;

(g) Consider systems for collecting data about social-emotional learning and monitoring implementation efforts;

(h) Identify strategies to improve coordination between early learning, K-12 education, youth-serving community partners and

culturally-based providers, and higher education regarding social-emotional learning; and

(i) Engage with stakeholders and seek feedback.

(3) The committee must consist of the following members:

(a) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans; and

(b) One representative from the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136.

(4) The governor and the tribes are encouraged to jointly designate a total of two members to serve on the committee who have experience working in and with schools: One member from east of the crest of the Cascade mountains; and one member from west of the crest of the Cascade mountains.

(5) Additional members of the committee must be appointed by the office of the superintendent of public instruction to serve on the committee. Additional members must include:

(a) One representative from the department of children, youth, and families;

(b) Two representatives from the office of the superintendent of public instruction: One with expertise in student support services; and one with expertise in curriculum and instruction;

(c) One representative from the office of the education ombuds;

(d) One representative from the state board of education;

(e) One representative from the health care authority's division of behavioral health and recovery;

(f) One higher educational faculty member with expertise in social-emotional learning;

(g) One currently employed K-12 educator;

(h) One currently employed K-12 administrator;

(i) One school psychologist;

(j) One school social worker;

(k) One school counselor;

(l) One school nurse;

(m) One mental health counselor;

(n) One representative from a school parent organization;

(o) One member from a rural school district;

(p) One representative from the educational service districts;

(q) One representative from a coalition of members who educate about and advocate for access to social-emotional learning and skill development;

(r) One representative from a statewide expanded learning opportunities intermediary;

(s) One representative from a nonprofit organization with expertise in developing social-emotional curricula;

(t) One representative from a foundation that supports social-emotional learning; and

(u) One representative from a coalition of youth-serving organizations working together to improve outcomes for young people.

(6) The members of the committee shall select the chairs or cochairs of the committee.

(7) In addition to other meetings, the committee shall have a joint meeting once a year with the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136.

(8) The office of the superintendent of public instruction shall provide staff support for the committee.

(9) Members of the committee shall serve without compensation but must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(10) Beginning June 1, 2021, and annually thereafter, the committee shall provide a progress report, in compliance with

RCW 43.01.036, to the governor and appropriate committees of the legislature. The report must include accomplishments, state-level data regarding implementation of social-emotional learning, identification of systemic barriers or policy changes necessary to promote and expand social-emotional learning, and recommendations.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall review the recommendations of the social-emotional learning work group convened as directed in the 2017 omnibus appropriations act and the recommendations of the social emotional learning committee created in section 1 of this act. The office of the superintendent of public instruction shall adopt social-emotional learning standards and benchmarks by January 1, 2020, and revise the social-emotional learning standards and benchmarks as appropriate.

(2) The office of the superintendent of public instruction shall align the programs it oversees with the standards for social-emotional learning and integrate the standards where appropriate.

Sec. 3. RCW 28A.410.270 and 2017 3rd sp.s. c 26 s 4 are each amended to read as follows:

(1)(a) The Washington professional educator standards board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level along the entire career continuum.

(b) In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency along the entire continuum. For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

~~((b))~~ (c) By January 1, 2020, in order to ensure that teachers can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate along the entire continuum the social-emotional learning standards and benchmarks recommended by the social emotional learning benchmarks work group in its October 1, 2016, final report titled, "addressing social emotional learning in Washington's K-12 public schools." In incorporating the social-emotional learning standards and benchmarks, the Washington professional educator standards board must include related competencies, such as trauma-informed practices, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

(2) The Washington professional educator standards board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the Washington professional educator standards board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

~~((2))~~ (3) The Washington professional educator standards board shall maintain a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used

during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work.

~~((3))~~ (4) Award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board, and may not require candidates to enroll in a professional certification program.

~~((4))~~ (5) Educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by the measures established under this section and other criteria established by the Washington professional educator standards board.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.410 RCW to read as follows:

By January 1, 2020, in order to ensure that principals can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the Washington professional educator standards board shall incorporate into principal knowledge, skill, and performance standards the social-emotional learning standards, benchmarks, and related competencies described in RCW 28A.410.270.

Sec. 5. RCW 28A.413.050 and 2017 c 237 s 6 are each amended to read as follows:

(1) The board shall adopt state standards of practice for paraeducators that are based on the recommendations of the paraeducator work group established in chapter 136, Laws of 2014. These standards must include:

~~((1))~~ (a) Supporting instructional opportunities;
~~((2))~~ (b) Demonstrating professionalism and ethical practices;

~~((3))~~ (c) Supporting a positive and safe learning environment;
~~((4))~~ (d) Communicating effectively and participating in the team process; and

~~((5))~~ (e) Demonstrating cultural competency aligned with standards developed by the professional educator standards board under RCW 28A.410.270.

(2) By January 1, 2020, in order to ensure that paraeducators can recognize signs of emotional or behavioral distress in students and appropriately refer students for assistance and support, the board shall incorporate into the standards of practice for paraeducators adopted under subsection (1) of this section the social-emotional learning standards, benchmarks, and related competencies described in RCW 28A.410.270.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create and publish on its web site a list of resources available for professional development of school district staff on the following topics: Social-emotional learning, trauma-informed practices, recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices. The office of the superintendent of public instruction must include in the list the professional development opportunities and resources identified by the social emotional learning committee created under section 1 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.415 RCW to read as follows:

Beginning in the 2020-21 school year, and every other school year thereafter, school districts must use one of the professional learning days funded under RCW 28A.150.415 to train school district staff on one or more of the following topics: Social-emotional learning, trauma-informed practices, using the model plan developed under RCW 28A.320.1271 related to recognition and response to emotional or behavioral distress, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, and culturally sustaining practices.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.410 RCW to read as follows:

The Washington professional educator standards board must periodically review approved preparation programs to assess whether and to what extent the programs are meeting knowledge, skill, and performance standards, and publish on its web site the results of the review in a format that facilitates program comparison.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator McCoy moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5082.

Senator McCoy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McCoy that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5082.

The motion by Senator McCoy carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5082 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5082, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5082, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senator Rivers

SECOND SUBSTITUTE SENATE BILL NO. 5082, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2019

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SENATE BILL NO. 5274 and asks the Senate to concur thereon and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hasegawa moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5274.

Senators Hasegawa and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hasegawa that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5274.

The motion by Senator Hasegawa carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5274 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5274, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5274, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

ENGROSSED SENATE BILL NO. 5274, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1499 and asks the Senate to recede therefrom. and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Takko moved that the Senate recede from its position on the Senate amendments to House Bill No. 1499.

Senator Takko spoke in favor of the motion.

Senator Schoesler spoke against the motion.

Senator Short moved that the Senate recede from its position on the Senate amendments for the purposes of amendment.

RULING BY THE PRESIDENT

President Habib: "Senator Short there is already a motion to recede before the Senate right now so we have to vote on that motion to recede, then, based on the disposition of that, then we, you will have some options."

The President declared the question before the Senate to be motion by Senator Takko that the Senate recede from its position on the Senate amendments to House Bill No. 1499.

The motion by Senator Takko carried and the Senate receded from its position on the Senate amendments to House Bill No. 1499 by a rising vote.

MOTION

Senator Short moved that the rules be suspended and House Bill No. 1499 be returned to second reading for the purposes of amendment.

Senator Lias objected.

The President declared the question before the Senate to be the motion by Senator Short that House Bill No. 1499 be returned to second reading for the purposes of amendment.

The motion by Senator Short did not carry and the bill was not returned to second reading by voice vote.

The President declared the question before the Senate to be the final passage of House Bill No. 1499 without Senate amendments.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1499 without Senate amendments and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senator Rivers

HOUSE BILL NO. 1499, without Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5025 and asks the Senate to concur thereon. and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Kuderer moved that the Senate refuse to concur and insist on its position on the House amendment(s) to Substitute Senate Bill No. 5025 and ask the House to recede therefrom.

Senators Kuderer and Zeiger spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kuderer that the Senate refuse to concur and insist on its position on the House amendment(s) to Substitute Senate Bill No. 5025 and ask the House to recede therefrom.

The motion by Senator Kuderer carried and the Senate refused to concur and insisted on its position in the Senate amendment(s) to Substitute Senate Bill No. 5025 and asked the House to recede therefrom by voice vote.

The senate resumed consideration of Substitute House Bill No. 1170 which had been deferred on the previous legislative day.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1170 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Goodman, Griffey, Springer and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Hunt, the Senate granted the request of the House for a conference on Substitute House Bill No. 1170 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1170 and the House amendment(s) there to: Senators Hasegawa, Hunt and Zeiger.

MOTION

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

The senate resumed consideration of Substitute House Bill No. 1195 which had been deferred on the previous legislative day.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1195 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Hudgins, Gregerson, Walsh and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hunt moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1195.

The President declared the question before the Senate to be motion by Senator Hunt that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1195.

The motion by Senator Hunt carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1195 by voice vote.

MOTIONS

On motion of Senator Hunt, the rules were suspended and Substitute House Bill No. 1195 was returned to second reading for the purposes of amendment.

Senator Hunt moved that the following striking amendment no. 781 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that passage of chapter 304, Laws of 2018 (Engrossed Substitute House Bill No. 2938) and chapter 111, Laws of 2018 (Substitute Senate Bill No. 5991) was an important step in achieving the goals of reforming campaign finance reporting and oversight, including simplifying the reporting and enforcement processes to promote administrative efficiencies. Much has been accomplished in the short time the public disclosure commission has implemented these new laws. However, some additional improvements were identified by the legislature, stakeholders, and the public disclosure commission, that are necessary to further implement these goals and the purpose of the state campaign finance law. Additional refinements to the law will help to ensure the public disclosure commission may continue to provide transparency of election campaign funding activities, meaningful guidance to participants in the political process, and enforcement that is timely, fair, and focused on improving compliance.

Sec. 2. RCW 42.17A.001 and 1975 1st ex.s. c 294 s 1 are each amended to read as follows:

It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the

Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this chapter shall be enforced so as to ~~((insure))~~ ensure that the information disclosed will not be misused for arbitrary and capricious purposes and to ~~((insure))~~ ensure that all persons reporting under this chapter will be protected from harassment and unfounded allegations based on information they have freely disclosed.

Sec. 3. RCW 42.17A.005 and 2018 c 304 s 2 and 2018 c 111 s 3 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) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

~~(2) ("Actual violation" means a violation of this chapter that is not a remedial violation or technical correction.~~

~~(3))~~ (3) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

~~((4))~~ (3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

~~((5))~~ (4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

~~((6))~~ (5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

~~((7))~~ (6) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

~~((8))~~ (7) "Books of account" means:

(a) In the case of a campaign or political committee, a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day; or

(b) In the case of a commercial advertiser, details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services rendered and the total cost and the manner of payment for the services.

~~((9))~~ (8) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when ~~((he or she))~~ the individual first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote ~~((his or her))~~ the individual's candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote ~~((his or her))~~ the individual's candidacy; or

(d) Gives ~~((his or her))~~ consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

~~((10))~~ (9) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((11))~~ (10) "Commercial advertiser" means any person ~~((who))~~ that sells the service of communicating messages or producing ~~((printed))~~ material for broadcast or distribution to the general public or segments of the general public whether through ~~((the use of))~~ brochures, fliers, newspapers, magazines, television ~~((and))~~, radio ~~((stations))~~, billboards ~~((companies))~~, direct mail advertising ~~((companies))~~, printing ~~((companies))~~, paid internet or digital communications, or ~~((otherwise))~~ any other means of mass communications used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

~~((12))~~ (11) "Commission" means the agency established under RCW 42.17A.100.

~~((13))~~ (12) "Committee" unless the context indicates otherwise, includes ~~((any))~~ a political committee such as a candidate, ballot ~~((measure))~~ proposition, recall, political, or continuing political committee.

~~((14))~~ (13) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((15))~~ (14) "Continuing political committee" means a political committee that is an organization of continuing existence

not ~~((established))~~ limited to participation in ~~((anticipation of))~~ any particular election campaign or election cycle.

~~((16))~~ (15)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds ~~((between political committees))~~, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, digital, or other form of political advertising or electioneering communication prepared by a candidate, a political or incidental committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) ~~((Legally))~~ Accrued interest on money deposited in a political or incidental committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political or incidental committee that is returned to the contributor within ten business days of the date on which it is received by the candidate or political or incidental committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of ~~((primary))~~ interest to the ~~((general))~~ public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political or incidental committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts toward~~((s))~~ any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political or incidental committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political or

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incidental committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;
 (B) A person who is paid by two or more candidates or political or incidental committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection ~~((46))~~ (15)(b)(ix) is not considered an agent of the candidate or committee as long as ~~(he or she)~~ the person has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((47))~~ (16) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

~~((48))~~ (17) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((49))~~ (18) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((20))~~ (19) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((21))~~ (20) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

~~((22))~~ (21)(a) "Electioneering communication" means any broadcast, cable, or satellite television, radio transmission, digital communication, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted electronically or by other means, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor

during the sixty days before an election, has a fair market value or cost of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding ~~((his or her))~~ the candidate becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of ~~((primary))~~ interest to the ~~((general))~~ public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political or incidental committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

~~((23))~~ (22) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political or incidental committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((24))~~ (23) "Final report" means the report described as a final report in RCW 42.17A.235~~((8))~~ (11)(a).

~~((25))~~ (24) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

~~((26))~~ (25) "Gift" has the definition in RCW 42.52.010.

~~((27))~~ (26) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother,

sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

~~((28))~~ (27) "Incidental committee" means any nonprofit organization not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in excess of the reporting thresholds in RCW 42.17A.235, directly or through a political committee. Any nonprofit organization is not an incidental committee if it is only remitting payments through the nonprofit organization in an aggregated form and the nonprofit organization is not required to report those payments in accordance with this chapter.

~~((29))~~ (28) "Incumbent" means a person who is in present possession of an elected office.

~~((30))~~ (29)(a) "Independent expenditure" means an expenditure that has each of the following elements:

(i) It is made in support of or in opposition to a candidate for office by a person who is not:

- (A) A candidate for that office;
 - (B) An authorized committee of that candidate for that office;
- and

(C) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(ii) It is made in support of or in opposition to a candidate for office by a person with whom the candidate has not collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(iii) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(iv) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of ~~((one half the contribution limit from an individual per election))~~ one thousand dollars or more. A series of expenditures, each of which is under ~~((one half the contribution limit from an individual per election))~~ one thousand dollars, constitutes one independent expenditure if their cumulative value is ~~((one half the contribution limit from an individual per election))~~ one thousand dollars or more.

(b) "Independent expenditure" does not include: Ordinary home hospitality; communications with journalists or editorial staff designed to elicit a news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, controlled by a person whose business is that news medium, and not controlled by a candidate or a political committee; participation in the creation of a publicly funded voters pamphlet statement in written or video form; an internal political communication primarily limited to contributors to a political party organization or political action committee, the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of two hundred fifty dollars personally paid for by the worker.

~~((31))~~ (30)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

~~((32))~~ (31) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((33))~~ (32) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((34))~~ (33) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((35))~~ (34) "Lobbyist" includes any person who lobbies either ~~((in his or her))~~ on the person's own or another's behalf.

~~((36))~~ (35) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom ~~((he or she))~~ the lobbyist is compensated for acting as a lobbyist.

~~((37))~~ (36) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

~~((38))~~ (37) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

~~((39))~~ (38) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((40))~~ (39) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((41))~~ (40) "Political committee" means any person (except a candidate or an individual dealing with ~~((his or her))~~ the

~~candidate's or individual's~~ own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((42))~~ (41) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~((43))~~ (42) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((44))~~ (43) "Public record" has the definition in RCW 42.56.010.

~~((45))~~ (44) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~((46))~~ (45) "~~Remedial~~ Remediable violation" means any violation of this chapter that:

(a) Involved expenditures or contributions totaling no more than the contribution limits set out under RCW 42.17A.405(2) per election, or one thousand dollars if there is no statutory limit;

(b) Occurred:

(i) More than thirty days before an election, where the commission entered into an agreement to resolve the matter; or

(ii) At any time where the violation did not constitute a material violation because it was inadvertent and minor or otherwise has been cured and, after consideration of all the circumstances, further proceedings would not serve the purposes of this chapter;

(c) Does not materially ~~((affect))~~ harm the public interest, beyond the harm to the policy of this chapter inherent in any violation; and

(d) Involved:

(i) A person who:

(A) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within twenty-one days after the report was due to be filed; and

(B) Substantially met the filing deadline for all other required reports within the immediately preceding twelve-month period; or

(ii) A candidate who:

(A) Lost the election in question; and

(B) Did not receive contributions over one hundred times the contribution limit in aggregate per election during the campaign in question.

~~((47))~~ (46)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political or incidental committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

~~((48))~~ (47) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((49))~~ (48) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((50))~~ (49) "State official" means a person who holds a state office.

~~((51))~~ (50) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts or expenses incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts or expenses when it makes its final report under RCW 42.17A.255.

~~((52))~~ (51) "Technical correction" means the correction of a minor or ministerial error in a required report that does not materially ~~((impact))~~ harm the public interest and needs to be corrected for the report to be in full compliance with the requirements of this chapter.

~~((53))~~ (52) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political or incidental committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

(53) "Violation" means a violation of this chapter that is not a remediable violation, minor violation, or an error classified by the commission as appropriate to address by a technical correction.

Sec. 4. RCW 42.17A.055 and 2018 c 304 s 3 are each amended to read as follows:

(1) For each required report, as technology permits, the commission shall make an electronic reporting tool available to (~~candidates, public officials, and political committees that~~) all those who are required to file that report(s) under this chapter (~~an electronic filing alternative for submitting financial affairs reports, contribution reports, and expenditure reports~~).

~~(2) (The commission shall make available to lobbyists and lobbyists' employers required to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing alternative for submitting these reports.~~

~~(3) State agencies required to report under RCW 42.17A.635 must file all reports electronically.~~

~~(4) The commission shall make available to candidates, public officials, political committees, lobbyists, and lobbyists' employers an electronic copy of the appropriate reporting forms at no charge.~~

(5)) All persons required to file reports under this chapter must file them electronically where the commission has provided an electronic option. The executive director may make exceptions on a case-by-case basis for persons who lack the technological ability to file reports electronically.

(3) If the electronic filing system provided by the commission is inoperable for any period of time, the commission must keep a record of the date and time of each instance and post outages on its web site. If a report is due on a day the electronic filing system is inoperable, it is not late if filed the first business day the system is back in operation. The commission must provide notice to all reporting entities when the system is back in operation.

~~((6))~~ (4) All persons required to file reports under this chapter shall, at the time of initial filing, provide the commission an email address, or other electronic contact information, that shall constitute the official address for purposes of all communications from the commission. The person required to file one or more

reports must provide any new ~~((email address))~~ electronic contact information to the commission within ten days, if the address has changed from that listed on the most recent report. Committees must provide the committee treasurer's electronic contact information to the commission. Committees must also provide any new electronic contact information for the committee's treasurer to the commission within ten days of the change. The executive director may waive the ~~((email))~~ electronic contact information requirement and allow use of a postal address, ~~((on))~~ upon the ((basis)) showing of hardship.

~~((7) The commission must publish a calendar of significant reporting dates on its web site.)~~

Sec. 5. RCW 42.17A.065 and 2010 c 204 s 204 are each amended to read as follows:

By July 1st of each year, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17A.205, 42.17A.225, 42.17A.235, ~~((and))~~ 42.17A.255, 42.17A.265, 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

~~(2) ((The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17A.265 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;~~

~~(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;~~

~~(4) The percentage of candidates, categorized as statewide, legislative, or local, that have used each of the following methods to file reports under RCW 42.17A.235 or 42.17A.265: (a) Hard copy paper format; or (b) electronic format via the Internet;~~

~~(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17A.225 or 42.17A.265: (a) Hard copy paper format; or (b) electronic format via the Internet; and~~

~~(6)) The percentage of ((lobbyists and lobbyists' employers that)) filers pursuant to RCW 42.17A.055 who have used ((each of the following methods to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630)): (a) Hard copy paper format; or (b) electronic format ((via the Internet)).~~

Sec. 6. RCW 42.17A.100 and 2010 c 204 s 301 are each amended to read as follows:

(1) The public disclosure commission is established. The commission shall be composed of five ~~((members))~~ commissioners appointed by the governor, with the consent of the senate. The commission shall have the authority and duties as set forth in this chapter. All appointees shall be persons of the highest integrity and qualifications. No more than three ~~((members))~~ commissioners shall have an identification with the same political party.

(2) The term of each ~~((member))~~ commissioner shall be five years, which may continue until a successor is appointed, but may

not exceed an additional twelve months. No ~~((member))~~ commissioner is eligible for appointment to more than one full term. Any ~~((member))~~ commissioner may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

(3)~~(a)~~ During ~~((his or her))~~ a commissioner's tenure, ~~((a member of the commission))~~ the commissioner is prohibited from engaging in any of the following activities, either within or outside the state of Washington:

~~((a))~~ (i) Holding or campaigning for elective office;

~~((b))~~ (ii) Serving as an officer of any political party or political committee;

~~((c))~~ (iii) Permitting ((his or her)) the commissioner's name to be used in support of or in opposition to a candidate or proposition;

~~((d))~~ (iv) Soliciting or making contributions to a candidate or in support of or in opposition to any candidate or proposition;

~~((e))~~ (v) Participating in any way in any election campaign; or

~~((f))~~ (vi) Lobbying, employing, or assisting a lobbyist, except that a ((member)) commissioner or the staff of the commission may lobby to the limited extent permitted by RCW 42.17A.635 on matters directly affecting this chapter.

(b) This subsection is not intended to prohibit a commissioner from participating in or supporting nonprofit or other organizations, in the commissioner's private capacity, to the extent such participation is not prohibited under (a) of this subsection.

(c) The provisions of this subsection do not relieve a commissioner of any applicable disqualification and recusal requirements.

(4) A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of ~~((his or her))~~ the appointee's predecessor. A vacancy shall not impair the powers of the remaining ~~((members))~~ commissioners to exercise all of the powers of the commission.

(5) Three ~~((members of the commission))~~ commissioners shall constitute a quorum. The commission shall elect its own chair and adopt its own rules of procedure in the manner provided in chapter 34.05 RCW.

(6) ~~((Members))~~ Commissioners shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses incurred while engaged in the business of the commission as provided in RCW 43.03.050 and 43.03.060. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created under the laws of this state.

Sec. 7. RCW 42.17A.105 and 2010 c 204 s 302 are each amended to read as follows:

The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter;

~~((Prepare and publish a manual setting forth))~~ Provide recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities;

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(6) Conduct a sufficient number of audits and field investigations, as staff capacity permits without impacting the timeliness of addressing alleged violations, to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within one week of the commission's completion of an audit or field investigation;

(7) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and ~~((its enforcement by appropriate law enforcement authorities))~~ the work of the commission;

(8) Enforce this chapter according to the powers granted it by law;

(9) ~~((Adopt rules governing the arrangement, handling, indexing, and disclosing of those reports required by this chapter to be filed with a county auditor or county elections official. The rules shall:~~

- ~~(a) Ensure ease of access by the public to the reports; and~~
- ~~(b) Include, but not be limited to, requirements for indexing the reports by the names of candidates or political committees and by the ballot proposition for or against which a political committee is receiving contributions or making expenditures;~~

~~(40))~~ Adopt rules to carry out the policies of chapter 348, Laws of 2006. The adoption of these rules is not subject to the time restrictions of RCW 42.17A.110(1);

~~((44))~~ (10) Adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports; ~~(and~~

~~(42))~~ (11) Maintain and make available to the public and political committees of this state a toll-free telephone number;

(12) Operate a web site or contract for the operation of a web site that allows access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265, 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630;

(13)(a) Attempt to make available via the web site other public records submitted to or generated by the commission that are required by this chapter to be available for public use or inspection;

(b) The statement of financial affairs filed pursuant to RCW 42.17A.700 is subject to public disclosure upon request, but the commission may not post the statements of financial affairs on any web site;

(14) Publish a calendar of significant reporting dates on the commission's web site; and

(15) Establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17A.205, 42.17A.225, 42.17A.235, 42.17A.255, 42.17A.265, 42.17A.600, 42.17A.615, 42.17A.625, and 42.17A.630, are submitted;

(a) Using the commission's electronic filing system and must be accessible in the commission's office and on the commission's web site within two business days of the commission's receipt of the report; and

(b) On paper and must be accessible in the commission's office and on the commission's web site within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17A.140, as specified in rule adopted by the commission.

Sec. 8. RCW 42.17A.110 and 2018 c 304 s 4 are each amended to read as follows:

In addition to the duties in RCW 42.17A.105, the commission may:

(1) Adopt, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint an executive director and set, within the limits established by the office of financial management under RCW 43.03.028, the executive director's compensation. The executive director shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor may it delegate authority to determine that ~~((an actual))~~ a violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Conduct, as it deems appropriate, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence, and require the production of any records relevant to any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt a code of fair campaign practices;

(8) Adopt rules relieving candidates or political committees of obligations to comply with ~~((the))~~ election campaign provisions of this chapter, if they have not received contributions nor made expenditures in connection with any election campaign of more than five thousand dollars; ~~((and))~~

(9) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted ~~((by facsimile or))~~ electronically to the commission. Implementation of the program is contingent on the availability of funds; and

(10) Make available and keep current on its web site a glossary of all defined terms in this chapter and in rules adopted by the commission.

NEW SECTION. Sec. 9. A new section is added to chapter 42.17A RCW to read as follows:

(1) The commission may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in Thurston county, the county where the subpoenaed person resides or is found, or the county where the subpoenaed documents, records, or evidence are located. The application must:

(a) State that an order is sought under this section;

(b) Adequately specify the documents, records, evidence, or testimony; and

(c) Include a declaration made under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the commission's authority and that the subpoenaed documents, records, evidence, or testimony are reasonably related to an investigation within the commission's authority.

(2) When an application under this section is made to the satisfaction of the court, the court must issue an order approving the subpoena. An order under this subsection constitutes authority of law for the agency to subpoena the documents, records, evidence, or testimony.

(3) The commission may seek approval and a court may issue an order under this section without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation. An application for court approval is subject to the fee and process set forth in RCW 36.18.012(3).

Sec. 10. RCW 42.17A.120 and 2010 c 204 s 304 are each amended to read as follows:

(1) The commission may suspend or modify any of the reporting requirements of this chapter if it finds that literal application of this chapter works a manifestly unreasonable hardship in a particular case and the suspension or modification will not frustrate the purposes of this chapter. The commission may suspend or modify reporting requirements only to the extent necessary to substantially relieve the hardship and only after a hearing is held and the suspension or modification receives approval ~~((from a majority of the commission. The commission shall act to suspend or modify any reporting requirements:~~

(a) ~~Only if it determines that facts exist that are clear and convincing proof of the findings required under this section; and~~

(b) ~~Only to the extent necessary to substantially relieve the hardship~~). A suspension or modification of the financial affairs reporting requirements in RCW 42.17A.710 may be approved for an elected official's term of office or for up to three years for an executive state officer. If a material change in the applicant's circumstances or relevant information occurs or has occurred, the applicant must request a modification at least one month prior to the next filing deadline rather than at the conclusion of the term.

(2) A manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17A.710(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report, or any member of ~~((his or her))~~ the person's immediate family, holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more.

(3) Requests for ~~((renewals of))~~ reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. ~~((No initial request may be heard in a brief adjudicative proceeding. No request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted.))~~ The commission, the commission chair acting as presiding officer, or another commissioner appointed by the chair to serve as presiding officer, may preside over a brief adjudicatory proceeding. If a modification is requested by a filer because of a concern for personal safety, the information submitted regarding that safety concern shall not be made public prior to, or at, the hearing on the request. Any information provided or prepared for the modification hearing shall remain exempt from public disclosure under this chapter and chapter 42.56 RCW to the extent it is determined at the hearing that disclosure of such information would present a personal safety risk to a reasonable person.

(4) If the commission, or presiding officer, grants a modification request, the commission or presiding officer may apply the modification retroactively to previously filed reports. In that event, previously reported information of the kind that is no

longer being reported is confidential and exempt from public disclosure under this chapter and chapter 42.56 RCW.

(5) Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order.

~~((5))~~ (6) The commission shall adopt rules governing the proceedings.

Sec. 11. RCW 42.17A.125 and 2011 c 60 s 21 are each amended to read as follows:

~~((1) At the beginning of each even numbered calendar year, the commission shall increase or decrease the dollar amounts in RCW 42.17A.005(26), 42.17A.405, 42.17A.410, 42.17A.445(3), 42.17A.475, and 42.17A.630(1) based on changes in economic conditions as reflected in the inflationary index recommended by the office of financial management. The new dollar amounts established by the commission under this section shall be rounded off to amounts as judged most convenient for public understanding and so as to be within ten percent of the target amount equal to the base amount provided in this chapter multiplied by the increase in the inflationary index since July 2008.~~

~~((2) The commission may revise,))~~ At least once every five years, but no more often than every two years, the commission must consider whether to revise the monetary contribution limits and reporting thresholds and ((reporting)) code values of this chapter. If the commission chooses to make revisions, the revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management, and may be rounded off to amounts as determined by the commission to be most accessible for public understanding. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter, reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials, the revisions shall equally affect all thresholds within each category. The revisions authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold.

~~((3))~~ Revisions made in accordance with ~~((subsections (1) and (2) of))~~ this section shall be adopted as rules ~~((under))~~ in accordance with chapter 34.05 RCW.

Sec. 12. RCW 42.17A.135 and 2010 c 204 s 307 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (7) of this section, the reporting provisions of this chapter do not apply to:

(a) Candidates, elected officials, and agencies in political subdivisions with ~~((less))~~ fewer than ~~((one))~~ two thousand registered voters as of the date of the most recent general election in the jurisdiction;

(b) Political committees formed to support or oppose candidates or ballot propositions in such political subdivisions; or

(c) Persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The reporting provisions of this chapter apply in any exempt political subdivision from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall

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be presented to the auditor or elections officer of the county, or counties, in which the political subdivision is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(3) The reporting provisions of this chapter apply in any exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(4) The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section.

(5) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in RCW 42.17A.200(3) shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot (~~(measure)~~) proposition, at least sixty days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least sixty days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(6) Any person exempted from reporting under this chapter may at (~~(his or her)~~) the person's option file the statement and reports.

(7) The reporting provisions of this chapter apply to a candidate in any political subdivision if the candidate receives or expects to receive five thousand dollars or more in contributions.

Sec. 13. RCW 42.17A.140 and 2010 c 204 s 308 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the date of receipt of any properly addressed application, report, statement, notice, or payment required to be made under the provisions of this chapter is the date shown by the post office cancellation mark on the envelope of the submitted material. The provisions of this section do not apply to reports required to be delivered under RCW 42.17A.265 and 42.17A.625.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail(~~(- facsimile)~~) or (~~(electronic mail)~~) electronically. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer (~~(his or her own)~~) proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17A.265 and 42.17A.625.

Sec. 14. RCW 42.17A.205 and 2011 c 145 s 3 are each amended to read as follows:

(1) Every political committee shall file a statement of organization with the commission. The statement must be filed

within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier. A political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

(2) The statement of organization shall include but not be limited to:

(a) The name (~~(and)~~), address, and electronic contact information of the committee;

(b) The names (~~(and)~~), addresses, and electronic contact information of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name (~~(and)~~), address, and electronic contact information of its treasurer and depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17A.430, in the event of dissolution;

(i) (~~(The street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW 42.17A.235;~~

~~(j))~~ Such other information as the commission may by (~~(regulation)~~) rule prescribe, in keeping with the policies and purposes of this chapter;

(~~(k))~~ (j) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(~~(l))~~ (k) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees.

(3) No two political committees may have the same name.

(4) Any material change in information previously submitted in a statement of organization shall be reported to the commission within the ten days following the change.

(5) As used in this section, the "name" of a sponsored committee must include the name of the person (~~(that)~~) who is the sponsor of the committee. If more than one person meets the definition of sponsor, the name of the committee must include the name of at least one sponsor, but may include the names of other sponsors. A person may sponsor only one political committee for the same elected office or same ballot (~~(measure)~~) proposition per election cycle.

Sec. 15. RCW 42.17A.207 and 2018 c 111 s 4 are each amended to read as follows:

(1)(a) An incidental committee must file a statement of organization with the commission within two weeks after the date the committee first:

(i) Has the expectation of making (~~(contributions or)~~) any expenditures aggregating at least twenty-five thousand dollars in

a calendar year in any election campaign, or to a political committee; and

(ii) Is required to disclose a payment received under RCW 42.17A.240(2)((and)) (d).

(b) If an incidental committee first meets the criteria requiring filing a statement of organization as specified in (a) of this subsection in the last three weeks before an election, then it must file the statement of organization within three business days.

(2) The statement of organization must include but is not limited to:

(a) The name ~~((and))~~, address, and electronic contact information of the committee;

(b) The names and addresses of all related or affiliated political or incidental committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders and the name of the person designated as the treasurer of the incidental committee;

(d) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing if the committee contributes directly to a candidate and, if donating to a political committee, the name and address of that political committee;

(e) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition; and

(f) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization must be reported to the commission within the ten days following the change.

Sec. 16. RCW 42.17A.210 and 2010 c 205 s 2 and 2010 c 204 s 403 are each reenacted and amended to read as follows:

(1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission the name and address of one legally competent individual, who may be the candidate, to serve as a treasurer.

(2) A candidate, a political committee, or a treasurer may appoint as many deputy treasurers as is considered necessary and shall file the names and addresses of the deputy treasurers with the commission.

(3)(a) A candidate or political committee may at any time remove a treasurer or deputy treasurer.

(b) In the event of the death, resignation, removal, or change of a treasurer or deputy treasurer, the candidate or political committee shall designate and file with the commission the name and address of any successor.

(4) No treasurer or deputy treasurer may be deemed to be in compliance with the provisions of this chapter until ~~((his or her))~~ the treasurer's or deputy treasurer's name ((and)), address, and electronic contact information is filed with the commission.

Sec. 17. RCW 42.17A.215 and 2010 c 204 s 404 are each amended to read as follows:

Each candidate and each political committee shall designate and file with the commission ~~((and the appropriate county elections officer))~~ the name and address of not more than one depository for each county in which the campaign is conducted in which the candidate's or political committee's accounts are maintained and the name of the account or accounts maintained in that depository on behalf of the candidate or political committee. The candidate or political committee may at any time change the designated depository and shall file with the

commission ~~((and the appropriate county elections officer))~~ the same information for the successor depository as for the original depository. The candidate or political committee may not be deemed in compliance with the provisions of this chapter until the information required for the depository is filed with the commission ~~((and the appropriate county elections officer))~~.

Sec. 18. RCW 42.17A.225 and 2018 c 304 s 6 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17A.205, 42.17A.210, and 42.17A.220.

(2) A continuing political committee shall file with the commission a report on the tenth day of each month detailing expenditures made and contributions received for the preceding calendar month. This report need only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17A.240;

(b) Each expenditure made to retire previously accumulated debts of the committee identified by recipient, amount, and date of payments;

(c) Other information the commission shall prescribe by rule.

(3) If a continuing political committee makes a contribution in support of or in opposition to a candidate or ballot proposition within sixty days before the date that the candidate or ballot proposition will be voted upon, the committee shall report pursuant to RCW 42.17A.235.

(4)(a) A continuing political committee shall file reports as required by this chapter until the committee has ceased to function and intends to dissolve, at which time, when there is no outstanding debt or obligation and the committee is concluded in all respects, a final report shall be filed. Upon submitting a final report, the continuing political committee so intending to dissolve must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.

(b) The continuing political committee may dissolve sixty days after it files its notice to dissolve, only if:

(i) The continuing political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action, pursuant to this chapter, is pending against the continuing political committee; and

(iii) All penalties assessed by the commission or court order ~~((are))~~ have been paid by the continuing political committee.

(c) The continuing political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) ~~((The treasurer may not close the continuing political committee's bank account before the political committee has dissolved.))~~

~~((e))~~ Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations under this chapter. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

(5) The treasurer shall maintain books of account, current within five business days, that accurately reflect all contributions

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and expenditures. During the ten calendar days immediately preceding the date of any election that the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection in the same manner as provided for candidates and other political committees in RCW 42.17A.235(6).

(6) All reports filed pursuant to this section shall be certified as correct by the treasurer.

(7) The treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

Sec. 19. RCW 42.17A.230 and 2010 c 205 s 5 and 2010 c 204 s 407 are each reenacted and amended to read as follows:

(1) Fund-raising activities meeting the standards of subsection (2) of this section may be reported in accordance with the provisions of this section in lieu of reporting in accordance with RCW 42.17A.235.

(2) Standards:

(a) The activity consists of one or more of the following:

(i) A sale of goods or services sold at a reasonable approximation of the fair market value of each item or service; or

(ii) A gambling operation that is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW; or

(iii) A gathering where food and beverages are purchased and the price of admission or the per person charge for the food and beverages is no more than twenty-five dollars; or

(iv) A concert, dance, theater performance, or similar entertainment event and the price of admission is no more than twenty-five dollars; or

(v) An auction or similar sale for which the total fair market value or cost of items donated by any person is no more than fifty dollars; and

(b) No person responsible for receiving money at the fund-raising activity knowingly accepts payments from a single person at or from such an activity to the candidate or committee aggregating more than fifty dollars unless the name and address of the person making the payment, together with the amount paid to the candidate or committee, are disclosed in the report filed pursuant to subsection (6) of this section; and

(c) Any other standards established by rule of the commission to prevent frustration of the purposes of this chapter.

(3) All funds received from a fund-raising activity that conforms with subsection (2) of this section must be deposited in the depository within five business days of receipt by the treasurer or deputy treasurer.

(4) At the time reports are required under RCW 42.17A.235, the treasurer or deputy treasurer making the deposit shall file with the commission a report of the fund-raising activity which must contain the following information:

(a) The date of the activity;

(b) A precise description of the fund-raising methods used in the activity; and

(c) The total amount of cash receipts from persons, each of whom paid no more than fifty dollars.

(5) The treasurer or deputy treasurer shall certify the report is correct.

(6) The treasurer shall report pursuant to RCW 42.17A.235 and 42.17A.240:

(a) The name and address and the amount contributed by each person contributing goods or services with a fair market value of more than fifty dollars to a fund-raising activity reported under subsection (4) of this section; and

(b) The name and address and the amount paid by each person whose identity can be ascertained, who made a contribution to the candidate or committee aggregating more than fifty dollars at or from such a fund-raising activity.

Sec. 20. RCW 42.17A.235 and 2018 c 304 s 7 and 2018 c 111 s 5 are each reenacted and amended to read as follows:

(1)(a) In addition to the information required under RCW 42.17A.205 and 42.17A.210, each candidate or political committee must file with the commission a report of all contributions received and expenditures made as a political committee on the next reporting date pursuant to the timeline established in this section.

(b) In addition to the information required under RCW ~~((42.17A.205))~~ 42.17A.207 and 42.17A.210, on the day an incidental committee files a statement of organization with the commission, each incidental committee must file with the commission a report of any election campaign expenditures under RCW 42.17A.240(6), as well as the source of the ten largest cumulative payments of ten thousand dollars or greater it received in the current calendar year from a single person, including any persons tied as the tenth largest source of payments it received, if any.

(2) Each treasurer of a candidate or political committee, or an incidental committee, required to file a statement of organization under this chapter, shall file with the commission a report, for each election in which a candidate ~~((or))~~ political committee, or incidental committee is participating, containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first full month after the election.

(3)(a) Each treasurer of a candidate or political committee shall file with the commission a report on the tenth day of each month during which the candidate or political committee is not participating in an election campaign, only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

~~((For an))~~ (b) Each incidental committee(=) shall file with the commission a report on the tenth day of each month during which the incidental committee is not otherwise required to report under this section only if the committee has:

~~((A))~~ (i) Received a payment that would change the information required under RCW 42.17A.240(2)((=)) (d) as included in its last report; or

~~((B))~~ (ii) Made any election campaign expenditure reportable under RCW 42.17A.240(6) since its last report, and the total election campaign expenditures made since the last report exceed two hundred dollars.

(4) The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(5) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer for a candidate or a political committee shall file with the commission a report of each bank

deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for ~~((his or her))~~ the treasurer's records. In the event of deposits made by candidates, political committee members, or paid staff other than the treasurer, the copy shall be immediately provided to the treasurer for ~~((his or her))~~ the treasurer's records. Each report shall be certified as correct by the treasurer.

(6)(a) The treasurer for a candidate or a political committee shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the ten calendar days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the political committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at a place agreed upon by both the treasurer and the requestor, for inspections between 9:00 a.m. and 5:00 p.m. on any day from the tenth calendar day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within forty-eight hours of the time and day that is requested for the inspection. The treasurer may provide digital access or copies of the books of account in lieu of scheduling an appointment at a designated place for inspection. If the treasurer and requestor are unable to agree on a location and the treasurer has not provided digital access to the books of account, the default location for an appointment shall be a place of public accommodation selected by the treasurer within a reasonable distance from the treasurer's office.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification. The commission may issue limited rules to modify the requirements set forth in this section in consideration of other technology and best practices.

(7) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (6) of this section.

(8) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than ~~((two))~~ five calendar years following the year during which the transaction occurred or for any longer period as otherwise required by law.

(9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(10) Where there is not a pending complaint concerning a report, it is not evidence of a violation of this section to submit an amended report within twenty-one days of filing an ~~((underlying))~~ initial report if:

- (a) The report is accurately amended;
- (b) The ~~((corrected))~~ amended report is filed more than thirty days before an election;

(c) The total aggregate dollar amount of the adjustment for the ~~((individual))~~ amended report is within three times the contribution limit per election or two hundred dollars, whichever is greater; and

(d) The committee reported all information that was available to it at the time of filing, or made a good-faith effort to do so, or if a refund of a contribution or expenditure is being reported.

(11)(a) When there is no outstanding debt or obligation, the campaign fund is closed, the campaign is concluded in all respects, and the political committee has ceased to function and intends to dissolve, the treasurer shall file a final report. Upon submitting a final report, the political committee so intending to dissolve must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.

(b) Any political committee may dissolve sixty days after it files its notice to dissolve, only if:

(i) The political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action under this chapter is pending against the political committee; and

(iii) All penalties assessed by the commission or court order ~~((are))~~ have been paid by the political committee.

(c) The political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) ~~((The treasurer may not close the political committee's bank account before the political committee has dissolved.))~~

~~((e))~~ Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations under this chapter. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

~~((9))~~ (12) The commission must adopt rules for the dissolution of incidental committees.

Sec. 21. RCW 42.17A.240 and 2018 c 304 s 8 and 2018 c 111 s 6 are each reenacted and amended to read as follows:

Each report required under RCW 42.17A.235 (1) ~~((and (2)))~~ through (4) must be certified as correct by the treasurer and the candidate and shall disclose the following, except ~~((that the commission may suspend or modify reporting requirements for contributions received by an incidental committee in cases of manifestly unreasonable hardship under RCW 42.17A.120))~~ an incidental committee only must disclose and certify as correct the information required under subsections (2)(d) and (6) of this section:

- (1) The funds on hand at the beginning of the period;
- (2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230;

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~~((b))~~ (c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor;

~~((e))~~ (d) Payments received by an incidental committee from any one person need not be reported unless the person is one of the committee's ten largest sources of payments received, including any persons tied as the tenth largest source of payments received, during the current calendar year, and the value of the cumulative payments received from that person during the current calendar year is ten thousand dollars or greater. For payments to incidental committees from multiple persons received in aggregated form, any payment of more than ten thousand dollars from any single person must be reported, but the aggregated payment itself may not be reported. The commission may suspend or modify reporting requirements for payments received by an incidental committee in cases of manifestly unreasonable hardship under this chapter;

~~((d))~~ (e) Payments from private foundations organized under section 501(c)(3) of the internal revenue code to an incidental committee do not have to be reported if:

(i) The private foundation is contracting with the incidental committee for a specific purpose other than election campaign purposes;

(ii) Use of the funds for election campaign purposes is explicitly prohibited by contract; and

(iii) Funding from the private foundation represents less than twenty-five percent of the incidental committee's total budget;

~~((e) For purposes of this subsection,)~~ (f) Commentary or analysis on a ballot ~~((measure))~~ proposition by an incidental committee is not considered a contribution if it does not advocate specifically to vote for or against the ballot ~~((measure))~~ proposition; and

~~((f))~~ (g) The money value of contributions of postage is the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) The name and address of each candidate or political committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on expenditures, made and reportable as contributions as defined in RCW 42.17A.005, to election campaigns. For purposes of this subsection, commentary or analysis on a ballot ~~((measure))~~ proposition by an incidental committee is not considered an expenditure if it does not advocate specifically to vote for or against the ballot ~~((measure))~~ proposition;

(7) The name ~~((and)),~~ address, and electronic contact information of each person ~~((directly compensated))~~ to whom an expenditure was made for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (6) of this section;

(8)(a) The name and address of any person and the amount owed for any debt with a value of more than seven hundred fifty dollars that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within thirty days before an election, or within ten business days during any other period.

(b) For purposes of this subsection, debt does not include ~~((=~~ ~~(+))~~ regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding ~~((=~~ ~~(+)~~

~~((ii) Any obligations already reported to pay for goods and services made by a third party on behalf of a candidate or political committee after the original payment or debt to that party has been reported));~~

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 22. RCW 42.17A.255 and 2011 c 60 s 24 are each amended to read as follows:

(1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW ~~((42.17A.220))~~ 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

The report filed pursuant to ~~((paragraph))~~ (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than one business day before the date the report is due:

(a) The name ~~((and)),~~ address, and electronic contact information of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

Sec. 23. RCW 42.17A.260 and 2010 c 204 s 413 are each amended to read as follows:

(1) The sponsor of political advertising ~~((who))~~ shall file a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public, if the political advertising:

(a) Is published, mailed, or otherwise presented to the public within twenty-one days of an election(~~(, publishes, mails, or otherwise presents to the public political advertising supporting or opposing a candidate or ballot proposition that qualifies as an independent expenditure with a fair market value of one thousand dollars or more shall deliver, either electronically or in written form, a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public)); and~~

(b) Either:

(i) Qualifies as an independent expenditure with a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a candidate; or

(ii) Has a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a ballot proposition.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent, or, in the case of a subsequent expenditure of any size made in support of or in opposition to a ballot proposition not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240, supporting or opposing the same ballot proposition that was the subject of the previous (~~independent~~) expenditure.

(3) The special report must include:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition; and

(g) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

Sec. 24. RCW 42.17A.265 and 2010 c 204 s 414 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a special report when a contribution or aggregate of contributions totals one thousand dollars or more, is from a single person or entity, and is received during a special reporting period.

(2) A political committee shall prepare and deliver to the commission a special report when it makes a contribution or an aggregate of contributions to a single entity that totals one thousand dollars or more during a special reporting period.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. Any subsequent contribution of any size made to or received from the same person or entity during the special reporting period must also be reported.

(4) Special reporting periods, for purposes of this section, include:

(a) The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;

(b) The period twenty-one days preceding a general election; and

(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

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(6) Special reports required by this section shall be delivered electronically, or in written form ~~((including but not limited to mailgram, telegram, or nightletter. The special report may be transmitted orally by telephone to the commission if the written form of the report is postmarked and mailed to the commission or the electronic filing is transferred to the commission within the delivery periods established in (a) and (b) of this subsection))~~ if an electronic alternative is not available.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The contribution of one thousand dollars or more is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals one thousand dollars or more; or any subsequent contribution from the same source is received by the candidate or treasurer.

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first equals one thousand dollars or more; or any subsequent contribution to the same person or entity is made.

(7) The special report shall include:

- (a) The amount of the contribution or contributions;
- (b) The date or dates of receipt;
- (c) The name and address of the donor;
- (d) The name and address of the recipient; and
- (e) Any other information the commission may by rule require.

(8) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(9) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17A.625.

(10) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

Sec. 25. RCW 42.17A.305 and 2010 c 204 s 502 are each amended to read as follows:

(1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on forms the commission shall develop by rule to include, at a minimum, the following information:

- (a) Name and address of the sponsor;
- (b) Source of funds for the communication, including:
 - (i) General treasury funds. The name and address of businesses, unions, groups, associations, or other organizations using general treasury funds for the communication, however, if a business, union, group, association, or other organization undertakes a special solicitation of its members or other persons for an electioneering communication, or it otherwise receives funds for an electioneering communication, that entity shall report pursuant to (b)(ii) of this subsection;
 - (ii) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the electioneering communication, along with the amount, if such funds from the person have exceeded two hundred fifty dollars in the aggregate for the electioneering communication; and
 - (iii) Any other source information required or exempted by the commission by rule;
- (c) Name and address of the person to whom an electioneering communication related expenditure was made;

(d) A detailed description of each expenditure of more than one hundred dollars;

(e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published;

(f) The amount of the expenditure;

(g) The name of each candidate clearly identified in the electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate; and

(h) Any other information the commission may require or exempt by rule.

(2) Electioneering communications shall be reported as follows: The sponsor of an electioneering communication shall report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, digitally or otherwise, or otherwise published.

(3) Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. The commission may make exceptions on a case-by-case basis for a sponsor who lacks the technological ability to file reports using the electronic means provided or approved by the commission.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, and 42.17A.255 are subject to the requirements of this section, although the commission may determine by rule that persons filing according to those sections may be exempt from reporting some of the information otherwise required by this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255 and 42.17A.260.

(5) Failure of any sponsor to report electronically under this section shall be a violation of this chapter.

Sec. 26. RCW 42.17A.345 and 2010 c 204 s 508 are each amended to read as follows:

(1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain ~~((documents and))~~ current books of account and related materials as provided by rule that shall be open for public inspection during normal business hours during the campaign and for a period of no less than ~~((three))~~ five years after the date of the applicable election. The documents and books of account shall specify:

- (a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;
- (b) The exact nature and extent of the services rendered; and
- (c) The total cost and the manner of payment for the services.

(2) At the request of the commission, each commercial advertiser required to comply with subsection (1) of this section shall ~~((deliver))~~ provide to the commission copies of the information that must be maintained and be open for public inspection pursuant to subsection (1) of this section.

Sec. 27. RCW 42.17A.420 and 2018 c 111 s 7 are each amended to read as follows:

(1) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17A.240 in the aggregate exceeding fifty thousand dollars for any campaign for statewide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to:

(a) Contributions made by, or accepted from, a bona fide political party as defined in this chapter, excluding the county central committee or legislative district committee(~~(—This subsection does not apply to)~~);

(b) Contributions made to, or received by, a ballot proposition committee; or

(c) Payments received by an incidental committee.

(2) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

Sec. 28. RCW 42.17A.475 and 2010 c 204 s 611 are each amended to read as follows:

(1) A person may not make a contribution of more than ~~((eighty))~~ one hundred dollars, other than an in-kind contribution, except by a written instrument containing the name of the donor and the name of the payee.

(2) A political committee may not make a contribution, other than in-kind, except by a written instrument containing the name of the donor and the name of the payee.

Sec. 29. RCW 42.17A.600 and 2010 c 204 s 801 are each amended to read as follows:

(1) Before lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, unless exempt under RCW 42.17A.610, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, that includes the following information:

(a) The lobbyist's name, permanent business address, electronic contact information, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of the lobbyist's employment;

(d) The compensation to be received for lobbying, the amount to be paid for expenses, and what expenses are to be reimbursed;

(e) Whether the lobbyist is employed solely as a lobbyist or whether the lobbyist is a regular employee performing services for ~~((his or her))~~ the lobbyist's employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects to be lobbied;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name ~~((and))~~, address, and electronic contact information of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments, or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for lobbying shall file a separate notice of representation for each person. However, if two or more persons are jointly paying or contributing to the payment of the

lobbyist, the lobbyist may file a single statement detailing the name, business address, and occupation of each person paying or contributing and the respective amounts to be paid or contributed.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall file with the commission an amended registration statement within one week of the change, modification, or termination.

(4) Each registered lobbyist shall file a new registration statement, revised as appropriate, on the second Monday in January of each odd-numbered year. Failure to do so terminates the lobbyist's registration.

Sec. 30. RCW 42.17A.605 and 2010 c 204 s 802 are each amended to read as follows:

Each lobbyist shall at the time ~~((he or she))~~ the lobbyist registers submit electronically to the commission a recent photograph of ~~((himself or herself))~~ the lobbyist of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of ~~((his or her))~~ the lobbyist's employment as a lobbyist before the legislature, a brief biographical description, and any other information ~~((he or she))~~ the lobbyist may wish to submit not to exceed fifty words in length. The photograph and information shall be published by the commission ~~((at least biennially in a booklet form for distribution to legislators and the public))~~ on its web site.

Sec. 31. RCW 42.17A.610 and 2010 c 204 s 803 are each amended to read as follows:

The following persons and activities are exempt from registration and reporting under RCW 42.17A.600, 42.17A.615, and 42.17A.640:

(1) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature, or public hearings of state agencies;

(2) Activities by lobbyists or other persons whose participation has been solicited by an agency under RCW 34.05.310(2);

(3) News or feature reporting activities and editorial comment by working members of the press, radio, digital media, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, digital platform, or television station;

(4) Persons who lobby without compensation or other consideration for acting as a lobbyist, if the person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. The exemption contained in this subsection is intended to permit and encourage citizens of this state to lobby any legislator, public official, or state agency without incurring any registration or reporting obligation provided they do not exceed the limits stated above. Any person exempt under this subsection (4) may at ~~((his or her))~~ the person's option register and report under this chapter;

(5) Persons who restrict their lobbying activities to no more than four days or parts of four days during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed twenty-five dollars. The commission shall adopt rules to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (5) may at ~~((his or her))~~ the person's option register and report under this chapter;

(6) The governor;

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- (7) The lieutenant governor;
- (8) Except as provided by RCW 42.17A.635(1), members of the legislature;
- (9) Except as provided by RCW 42.17A.635(1), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;
- (10) Elected officials, and officers and employees of any agency reporting under RCW 42.17A.635(5).

Sec. 32. RCW 42.17A.615 and 2010 c 204 s 804 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17A.600 and any person who lobbies shall file electronically with the commission monthly reports of ~~((his or her))~~ the lobbyist's or person's lobbying activities. The reports shall be made in the form and manner prescribed by the commission and must be signed by the lobbyist. The monthly report shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) The monthly report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by the lobbyist or on behalf of the lobbyist by the lobbyist's employer during the period covered by the report. Expenditure totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons taking part in the entertainment, along with the dollar amount attributable to each person, including the lobbyist's portion.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of expenditures in each category incurred on behalf of each of the lobbyist's employers.

(c) An itemized listing of each contribution of money or of tangible or intangible personal property, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule making under chapter 34.05 RCW, the state administrative procedure act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period, unless exempt under RCW 42.17A.610(2).

(e) A listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars and each item specified in RCW 42.52.010~~((+0))~~ (9) (d) and (f) made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

(f) The total expenditures paid or incurred during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise, for (i) political advertising as defined in RCW 42.17A.005; and (ii) public relations, telemarketing, polling, or similar activities if the activities,

directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) Lobbyists are not required to report the following:

(a) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(b) Any expenses incurred for ~~((his or her))~~ the lobbyist's own living accommodations;

(c) Any expenses incurred for ~~((his or her))~~ the lobbyist's own travel to and from hearings of the legislature;

(d) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section. Lobbyist reports are subject to audit by the commission.

Sec. 33. RCW 42.17A.630 and 2010 c 204 s 807 are each amended to read as follows:

(1) Every employer of a lobbyist registered under this chapter during the preceding calendar year and every person other than an individual ~~((that))~~ who made contributions aggregating to more than sixteen thousand dollars or independent expenditures aggregating to more than eight hundred dollars during the preceding calendar year shall file with the commission on or before the last day of February of each year a statement disclosing for the preceding calendar year the following information:

(a) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the person reporting has paid any compensation in the amount of eight hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17A.710~~((2))~~ (3), and the consideration given or performed in exchange for the compensation.

(b) The name of each state elected official, successful candidate for state office, or members of ~~((his or her))~~ the official's or candidate's immediate family to whom the person reporting made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, "expenditure" shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

(c) The total expenditures made by the person reporting for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.

(d) All contributions made to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a statewide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

(e) The name and address of each registered lobbyist employed by the person reporting and the total expenditures made by the person reporting for each lobbyist for lobbying purposes.

(f) The names, offices sought, and party affiliations of candidates for state offices supported or opposed by independent expenditures of the person reporting and the amount of each such expenditure.

(g) The identifying proposition number and a brief description of any statewide ballot proposition supported or opposed by expenditures not reported under (d) of this subsection and the amount of each such expenditure.

(h) Any other information the commission prescribes by rule.

(2)(a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution that is made through a registered lobbyist and reportable under RCW 42.17A.425.

Sec. 34. RCW 42.17A.655 and 2010 c 204 s 812 are each amended to read as follows:

(1) A person required to register as a lobbyist under RCW 42.17A.600 shall substantiate financial reports required to be made under this chapter with accounts, bills, receipts, books, papers, and other necessary documents and records. All such documents must be obtained and preserved for a period of at least five years from the date of filing the statement containing such items and shall be made available for inspection by the commission at any time. If the terms of the lobbyist's employment contract require that these records be turned over to ~~((his or her))~~ the lobbyist's employer, responsibility for the preservation and inspection of these records under this subsection shall be with such employer.

(2) A person required to register as a lobbyist under RCW 42.17A.600 shall not:

(a) Engage in any lobbying activity before registering as a lobbyist;

(b) Knowingly deceive or attempt to deceive a legislator regarding the facts pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of a bill or amendment to that bill for the purpose of later being employed to secure its defeat;

(d) Knowingly represent an interest adverse to ~~((his or her))~~ the lobbyist's employer without full disclosure of the adverse interest to the employer and obtaining the employer's written consent;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator due to the legislator's position or vote on any pending or proposed legislation;

(f) Enter into any agreement, arrangement, or understanding in which any portion of ~~((his or her))~~ the lobbyist's compensation is or will be contingent upon ~~((his or her))~~ the lobbyist's success in influencing legislation.

(3) A violation by a lobbyist of this section shall be cause for revocation of ~~((his or her))~~ the lobbyist's registration, and may subject the lobbyist and the lobbyist's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this chapter.

Sec. 35. RCW 42.17A.700 and 2010 c 204 s 901 are each amended to read as follows:

(1) After January 1st and before April 15th of each year, every elected official and every executive state officer who served for any portion of the preceding year shall electronically file with the commission a statement of financial affairs for the preceding calendar year or for that portion of the year served. ~~((However, any local elected official whose term of office ends on December 31st shall file the statement required to be filed by this section for the final year of his or her term.))~~ Any official or officer in office for any period of time in a calendar year, but not in office as of January 1st of the following year, may electronically file either within sixty days of leaving office or during the January 1st through April 15th reporting period of that following year. Such filing must include information for the portion of the current calendar year for which the official or officer was in office.

(2) Within two weeks of becoming a candidate, every candidate shall file with the commission a statement of financial affairs for the preceding twelve months.

(3) Within two weeks of appointment, every person appointed to a vacancy in an elective office or executive state officer position during the months of January through November shall file with the commission a statement of financial affairs for the preceding twelve months, except as provided in subsection (4) of this section. For appointments made in December, the appointee must file the statement of financial affairs between January 1st and January 15th of the immediate following year for the preceding twelve-month period ending on December 31st.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) Every elected official and every executive state officer shall file with their statement of financial affairs a statement certifying that they have read and are familiar with RCW 42.17A.555 or 42.52.180, whichever is applicable.

(8) For the purposes of this section, the term "executive state officer" includes those listed in RCW 42.17A.705.

(9) This section does not apply to incumbents or candidates for a federal office or the office of precinct committee officer.

Sec. 36. RCW 42.17A.710 and 2010 c 204 s 903 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of ~~((his or her))~~ the reporting individual's immediate family:

(a) Occupation, name of employer, and business address;

(b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;

(c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of

each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;

(d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for ~~((his or her))~~ the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and:

(i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of

the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(~~((4))~~) (9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, or sheriff, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it ~~((shall be sufficient to comply with the requirement to report whether the amount is less than four thousand dollars, at least four thousand dollars but less than twenty thousand dollars, at least twenty thousand dollars but less than forty thousand dollars, at least forty thousand dollars but less than one hundred thousand dollars, or one hundred thousand dollars or more-))~~ may be reported within a range as provided in (b) of this subsection.

(b)

<u>Code A</u>	<u>Less than thirty thousand dollars;</u>
<u>Code B</u>	<u>At least thirty thousand dollars, but less than sixty thousand dollars;</u>
<u>Code C</u>	<u>At least sixty thousand dollars, but less than one hundred thousand dollars;</u>
<u>Code D</u>	<u>At least one hundred thousand dollars, but less than two hundred thousand dollars;</u>

Code E	<u>At least two hundred thousand dollars, but less than five hundred thousand dollars;</u>
Code F	<u>At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;</u>
Code G	<u>At least seven hundred fifty thousand dollars, but less than one million dollars; or</u>
Code H	<u>One million dollars or more.</u>

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

~~((3))~~ (4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

Sec. 37. RCW 42.17A.750 and 2018 c 304 s 12 are each amended to read as follows:

(1) In addition to the penalties in subsection (2) of this section, and any other remedies provided by law, one or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate (~~(or political)~~), committee, or incidental committee probably affected the outcome of any election, the result of that election may be held void and a special election held within sixty days of the finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, (~~his or her~~) the lobbyist's or sponsor's registration may be revoked or suspended and (~~he or she~~) the lobbyist or sponsor may be enjoined from receiving compensation or making expenditures for lobbying. The imposition of a sanction shall not excuse the lobbyist from filing statements and reports required by this chapter.

(c) A person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each violation. However, a person or entity who violates RCW 42.17A.405 may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(d) When assessing a civil penalty, the court may consider the nature of the violation and any relevant circumstances, including the following factors:

(i) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, resulted from a knowing or intentional effort to conceal, deceive or mislead, or from collusive behavior, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(ii) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period or otherwise had a significant or material impact on the public;

(iii) Experience with campaign finance law and procedures or the financing, staffing, or size of the respondent's campaign or organization;

(iv) The amount of financial activity by the respondent during the statement period or election cycle;

(v) Whether the late or unreported activity was within three times the contribution limit per election, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(vi) Whether the respondent or any person benefited politically or economically from the noncompliance;

(vii) Whether there was a personal emergency or illness of the respondent or member of (~~his or her~~) the respondent's immediate family;

(viii) Whether other emergencies such as fire, flood, or utility failure prevented filing;

(ix) Whether there was commission staff or equipment error, including technical problems at the commission that prevented or delayed electronic filing;

(x) The respondent's demonstrated good-faith uncertainty concerning commission staff guidance or instructions;

(xi) Whether the respondent is a first-time filer;

(xii) Good faith efforts to comply, including consultation with commission staff prior to initiation of enforcement action and cooperation with commission staff during enforcement action and a demonstrated wish to acknowledge and take responsibility for the violation;

(xiii) Penalties imposed in factually similar cases; and

(xiv) Other factors relevant to the particular case.

(e) A person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each delinquency continues.

(f) Each state agency director who knowingly fails to file statements required by RCW 42.17A.635 shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars per statement. These penalties are in addition to any other civil remedies or sanctions imposed on the agency.

(g) A person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount not reported as required.

(h) Any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of RCW 42.17A.635 (2) or (3) may be subject to personal liability in the form of a civil penalty in an amount that is at least equivalent to the amount of public funds expended in the violation.

(i) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

(2) The commission may refer the following violations for criminal prosecution:

(a) A person who, with actual malice, violates a provision of this chapter is guilty of a misdemeanor under chapter 9.92 RCW;

(b) A person who, within a five-year period, with actual malice, violates three or more provisions of this chapter is guilty of a gross misdemeanor under chapter 9.92 RCW; and

(c) A person who, with actual malice, procures or offers any false or forged document to be filed, registered, or recorded with the commission under this chapter is guilty of a class C felony under chapter 9.94A RCW.

Sec. 38. RCW 42.17A.755 and 2018 c 304 s 13 are each amended to read as follows:

(1) The commission may initiate or respond to a complaint, request a technical correction, or otherwise resolve matters of

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compliance with this chapter, in accordance with this section. If a complaint is filed with or initiated by the commission, the commission must:

(a) Dismiss the complaint or otherwise resolve the matter in accordance with subsection (2) of this section, as appropriate under the circumstances after conducting a preliminary review;

(b) Initiate an investigation to determine whether ~~((an actual))~~ a violation has occurred, conduct hearings, and issue and enforce an appropriate order, in accordance with chapter 34.05 RCW and subsection (3) of this section; or

(c) Refer the matter to the attorney general, in accordance with subsection (4) of this section.

(2)(a) For complaints of ~~((remedial))~~ remediable violations or requests for technical corrections, the commission may, by rule, delegate authority to its executive director to resolve these matters in accordance with subsection (1)(a) of this section, provided the executive director consistently applies such authority.

(b) The commission shall, by rule, develop additional processes by which a respondent may agree by stipulation to any allegations and pay a penalty subject to a schedule of violations and penalties, unless waived by the commission as provided for in this section. Any stipulation must be referred to the commission for review. If approved or modified by the commission, agreed to by the parties, and the respondent complies with all requirements set forth in the stipulation, the matter is then considered resolved and no further action or review is allowed.

(3) If the commission initiates an investigation, an initial hearing must be held within ninety days of the complaint being filed. Following an investigation, in cases where it chooses to determine whether ~~((an actual))~~ a violation has occurred, the commission shall hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW. Any order that the commission issues under this section shall be pursuant to such a hearing.

(a) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (h), or other requirements as the commission determines appropriate to effectuate the purposes of this chapter.

(b) The commission may assess a penalty in an amount not to exceed ten thousand dollars per violation, unless the parties stipulate otherwise. Any order that the commission issues under this section that imposes a financial penalty must be made pursuant to a hearing, held in accordance with the administrative procedure act, chapter 34.05 RCW.

(c) The commission has the authority to waive a penalty for a first-time ~~((actual))~~ violation. A second ~~((actual))~~ violation of the same requirement by the same person, regardless if the person or individual committed the ~~((actual))~~ violation for a different political committee or incidental committee, shall result in a penalty. Successive ~~((actual))~~ violations of the same requirement shall result in successively increased penalties. The commission may suspend any portion of an assessed penalty contingent on future compliance with this chapter. The commission must create a schedule to enhance penalties based on repeat ~~((actual))~~ violations by the person.

(d) Any order issued by the commission is subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that jurisdiction, for an order of

enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760.

(4) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general consistent with this section, when the commission believes:

(a) Additional authority is needed to ensure full compliance with this chapter;

(b) An ~~((actual))~~ apparent violation potentially warrants a penalty greater than the commission's penalty authority; or

(c) The maximum penalty the commission is able to levy is not enough to address the severity of the violation.

(5) Prior to filing a citizen's action under RCW 42.17A.775, a person who has filed a complaint pursuant to this section must provide written notice to the attorney general if the commission does not, within 90 days of the complaint being filed with the commission, take action pursuant to subsection (1) of this section. A person must simultaneously provide a copy of the written notice to the commission.

Sec. 39. RCW 42.17A.765 and 2018 c 304 s 14 are each amended to read as follows:

(1)(a) ~~((Only after a matter is referred by the commission, under RCW 42.17A.755,))~~ The attorney general may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17A.750(=) upon:

(i) Referral by the commission pursuant to RCW 42.17A.755(4);

(ii) Receipt of a notice provided in accordance with RCW 42.17A.755(5); or

(iii) Receipt of a notice of intent to commence a citizen's action, as provided under RCW 42.17A.775(3).

(b) Within forty-five days of receiving a referral from the commission or notice of the commission's failure to take action provided in accordance with RCW 42.17A.755(5), or within ten days of receiving a citizen's action notice, the attorney general must ~~((provide notice of his or her))~~ publish a decision whether to commence an action on the attorney general's office web site ~~((within forty-five days of receiving the referral, which constitutes state action for purposes of this chapter)).~~ Publication of the decision within the forty-five day period, or ten-day period, whichever is applicable, shall preclude a citizen's action pursuant to RCW 42.17A.775.

~~((=))~~ (c) The attorney general should use the enforcement powers in this section in a consistent manner that provides guidance in complying with the provisions of this chapter to candidates, political committees, or other individuals subject to the regulations of this chapter.

(2) The attorney general may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general requires the attendance of any person to obtain such information or produce the accounts, bills, receipts, books, papers, and documents that may be relevant or material to any investigation authorized under this chapter, ~~((he or she))~~ the attorney general shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the

person at least fourteen days before the date fixed for attendance. The order shall have the same force and effect as a subpoena, shall be effective statewide, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

Sec. 40. RCW 42.17A.775 and 2018 c 304 s 16 are each amended to read as follows:

(1) A person who has reason to believe that a provision of this chapter is being or has been violated may bring a citizen's action in the name of the state, in accordance with the procedures of this section.

(2) A citizen's action may be brought and prosecuted only if the person first has filed a complaint with the commission and:

(a) The commission has not taken action authorized under RCW 42.17A.755(1) within ninety days of the complaint being filed with the commission ~~(-and), and the person who initially filed the complaint with the commission provided written notice to the attorney general in accordance with RCW 42.17A.755(5) and the attorney general has not commenced an action, or published a decision whether to commence action pursuant to RCW 42.17A.765(1)(b), within forty-five days of receiving the notice;~~

(b) For matters referred to the attorney general within ninety days of the commission receiving the complaint, the attorney general has not commenced an action, or published a decision whether to commence an action pursuant to RCW 42.17A.765(1)(b), within forty-five days of receiving referral from the commission; and

(c) The person who initially filed the complaint with the commission has provided notice of a citizen's action in accordance with subsection (3) of this section and the commission or the attorney general has not commenced action within the ten days provided under subsection (3) of this section.

(3) To initiate the citizen's action, after meeting the requirements under subsection (2) (a) and (b) of this section, a person must notify the attorney general and the commission that ~~((he or she)) the person~~ will commence a citizen's action within ten days if the commission does not take action authorized under RCW 42.17A.755(1), or((-if applicable,)) the attorney general does not commence an action or publish a decision whether to commence an action pursuant to RCW 42.17A.765(1)(b). The attorney general and the commission must notify the other of its decision whether to commence an action.

(4) The citizen's action must be commenced within two years after the date when the alleged violation occurred and may not be commenced against a committee or incidental committee before the end of such period if the committee or incidental committee has received an acknowledgment of dissolution.

(5) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state for reasonable costs and reasonable attorneys' fees the person incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all trial costs and reasonable attorneys' fees incurred by the defendant.

Sec. 41. RCW 42.17A.785 and 2018 c 304 s 18 are each amended to read as follows:

(1) The public disclosure transparency account is created in the state treasury. All receipts from penalties, sanctions, or other remedies collected pursuant to enforcement actions ~~((~~or~~))~~, settlements, judgments, or otherwise under this chapter, including any fees or costs awarded to the state, must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may be used only for the implementation of chapter 304, Laws of 2018 and duties under this chapter, and may not be used to supplant general fund appropriations to the commission.

(2) Any fees and costs awarded pursuant to RCW 42.17A.775(5) may not be deposited into the public disclosure transparency account or reimbursed from the account or otherwise by the state. Payment and collection of any such fees and costs are the sole responsibility of the person commencing the action and the defendant.

NEW SECTION. Sec. 42. The following acts or parts of acts are each repealed:

(1) RCW 42.17A.050 (Web site for commission documents) and 2010 c 204 s 201, 1999 c 401 s 9, & 1994 c 40 s 2;

(2) RCW 42.17A.061 (Access goals) and 2010 c 204 s 203, 2000 c 237 s 5, & 1999 c 401 s 2; and

(3) RCW 42.17A.245 (Electronic filing—When required) and 2011 c 145 s 4, 2010 c 204 s 410, 2000 c 237 s 4, & 1999 c 401 s 12.

NEW SECTION. Sec. 43. Sections 35 and 36 of this act take effect January 1, 2020.

NEW SECTION. Sec. 44. Except for sections 35 and 36 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "enforcement;" strike the remainder of the title and insert "amending RCW 42.17A.001, 42.17A.055, 42.17A.065, 42.17A.100, 42.17A.105, 42.17A.110, 42.17A.120, 42.17A.125, 42.17A.135, 42.17A.140, 42.17A.205, 42.17A.207, 42.17A.215, 42.17A.225, 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.305, 42.17A.345, 42.17A.420, 42.17A.475, 42.17A.600, 42.17A.605, 42.17A.610, 42.17A.615, 42.17A.630, 42.17A.655, 42.17A.700, 42.17A.710, 42.17A.750, 42.17A.755, 42.17A.765, 42.17A.775, and 42.17A.785; reenacting and amending RCW 42.17A.005, 42.17A.210, 42.17A.230, 42.17A.235, and 42.17A.240; adding a new section to chapter 42.17A RCW; creating a new section; repealing RCW 42.17A.050, 42.17A.061, and 42.17A.245; providing an effective date; and declaring an emergency."

Senators Hunt and Zeiger spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 781 by Senator Hunt to Substitute House Bill No. 1195.

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

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1195 as amended by the Senate and the bill passed

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the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Takko, Van De Wege, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Holy, Honeyford, King, Padden, Palumbo, Schoesler, Short, Wagoner, Walsh and Wilson, L.

Excused: Senator Rivers

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

RULING BY THE PRESIDENT

President Habib: "I'm just going to take a moment to give everyone a little parliamentary pause. Just for the information of members, because I know there has been some confusion about this, when we – when there is a motion to concur, the time to debate that motion to concur and any issues you would have with the bill, if that concurrence were to hang, is right then at that time. So I will grant wide latitude if members want to talk, not only about the amendments that we're concurring with, but also, you know, talk about how, 'Well if this does hang, here's why I wouldn't like the underlying bill, blah, blah, blah.' So, that's the time to do it. There's not going to be time then for a final passage debate once the, if the concurrence motion does prevail. Similarly, if a bill is returned, if the rules are suspended and the bill is returned to second reading for the purpose of an amendment, then the time to debate the bill as amended, any objections or favorable feelings you have, is right then at that time, because that is under a rule suspension. We're not going to go to third reading again. We're just going to go after that, if that amendment hangs, we're going to go straight to a final passage vote, just like we did right there. So just be aware – and if you have any parliamentary questions, feel free to ask us or raise a point of order at the time. Thank you."

REPORT OF THE CONFERENCE COMMITTEE
 Engrossed Second Substitute House Bill No. 1224
 April 25, 2019

MR. PRESIDENT:
 MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Second Substitute House Bill No. 1224, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. FINDINGS. The legislature finds that the state of Washington has substantial public interest in the following:

(1) The price and cost of prescription drugs. Washington state is a major purchaser through the department of corrections, the health care authority, and other entities acting on behalf of a state purchaser;

(2) Enacting this chapter to provide notice and disclosure of information relating to the cost and pricing of prescription drugs in order to provide accountability to the state for prescription drug pricing;

(3) Rising drug costs and consumer ability to access prescription drugs; and

(4) Containing prescription drug costs. It is essential to understand the drivers and impacts of these costs, as transparency is typically the first step toward cost containment and greater consumer access to needed prescription drugs.

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

(1) "Authority" means the health care authority.

(2) "Covered drug" means any prescription drug that:

(a) A covered manufacturer intends to introduce to the market at a wholesale acquisition cost of ten thousand dollars or more for a course of treatment lasting less than one month or a thirty-day supply, whichever period is longer; or

(b) Is currently on the market, is manufactured by a covered manufacturer, and has a wholesale acquisition cost of more than one hundred dollars for a course of treatment lasting less than one month or a thirty-day supply, and, taking into account only price increases that take effect after the effective date of this section, the manufacturer increases the wholesale acquisition cost at least:

(i) Twenty percent, including the proposed increase and the cumulative increase over one calendar year prior to the date of the proposed increase; or

(ii) Fifty percent, including the proposed increase and the cumulative increase over three calendar years prior to the date of the proposed increase.

(3) "Covered manufacturer" means a person, corporation, or other entity engaged in the manufacture of prescription drugs sold in or into Washington state. "Covered manufacturer" does not include a private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store, or a prescription drug repackager.

(4) "Health care provider," "health plan," "health carrier," and "carrier" mean the same as in RCW 48.43.005.

(5) "Pharmacy benefit manager" means the same as in RCW 19.340.010.

(6) "Pharmacy services administrative organization" means an entity that contracts with a pharmacy to act as the pharmacy's agent with respect to matters involving a pharmacy benefit manager, third-party payor, or other entities, including negotiating, executing, or administering contracts with the pharmacy benefit manager, third-party payor, or other entities and provides administrative services to pharmacies.

(7) "Prescription drug" means a drug regulated under chapter 69.41 or 69.50 RCW, including generic, brand name, specialty drugs, and biological products that are prescribed for outpatient use and distributed in a retail setting.

(8) "Qualifying price increase" means a price increase described in subsection (2)(b) of this section.

(9) "Wholesale acquisition cost" or "price" means, with respect to a prescription drug, the manufacturer's list price for the drug to wholesalers or direct purchasers in the United States, excluding any discounts, rebates, or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of prescription drug pricing.

NEW SECTION. Sec. 3. HEALTH CARRIER REPORTING. Beginning October 1, 2019, and on a yearly basis thereafter, a health carrier must submit to the authority the

following prescription drug cost and utilization data for the previous calendar year for each health plan it offers in the state:

(1) The twenty-five prescription drugs most frequently prescribed by health care providers participating in the plan's network;

(2) The twenty-five costliest prescription drugs expressed as a percentage of total plan prescription drug spending, and the plan's total spending for each of these prescription drugs;

(3) The twenty-five drugs with the highest year-over-year increase in wholesale acquisition cost, excluding drugs made available for the first time that plan year, and the percentages of the increases for each of these prescription drugs;

(4) The portion of the premium that is attributable to each of the following categories of covered prescription drugs, after accounting for all rebates and discounts:

- (a) Brand name drugs;
- (b) Generic drugs; and
- (c) Specialty drugs;

(5) The year-over-year increase, calculated on a per member, per month basis and expressed as a percentage, in the total annual cost of each category of covered drugs listed in subsection (4) of this section, after accounting for all rebates and discounts;

(6) A comparison, calculated on a per member, per month basis, of the year-over-year increase in the cost of covered drugs to the year-over-year increase in the costs of other contributors to premiums, after accounting for all rebates and discounts;

(7) The name of each covered specialty drug; and

(8) The names of the twenty-five most frequently prescribed drugs for which the health plan received rebates from pharmaceutical manufacturers.

NEW SECTION. Sec. 4. PHARMACY BENEFIT MANAGER REPORTING. (1) By March 1st of each year, a pharmacy benefit manager must submit to the authority the following data from the previous calendar year:

(a) All discounts, including the total dollar amount and percentage discount, and all rebates received from a manufacturer for each drug on the pharmacy benefit manager's formularies;

(b) The total dollar amount of all discounts and rebates that are retained by the pharmacy benefit manager for each drug on the pharmacy benefit manager's formularies;

(c) Actual total reimbursement amounts for each drug the pharmacy benefit manager pays retail pharmacies after all direct and indirect administrative and other fees that have been retrospectively charged to the pharmacies are applied;

(d) The negotiated price health plans pay the pharmacy benefit manager for each drug on the pharmacy benefit manager's formularies;

(e) The amount, terms, and conditions relating to copayments, reimbursement options, and other payments or fees associated with a prescription drug benefit plan;

(f) Disclosure of any ownership interest the pharmacy benefit manager has in a pharmacy or health plan with which it conducts business; and

(g) The results of any appeal filed pursuant to RCW 19.340.100(3).

(2) The information collected pursuant to this section is not subject to public disclosure under chapter 42.56 RCW.

(3) The authority may examine or audit the financial records of a pharmacy benefit manager for purposes of ensuring the information submitted under this section is accurate. Information the authority acquires in an examination of financial records pursuant to this subsection is proprietary and confidential.

NEW SECTION. Sec. 5. PHARMACY BENEFIT MANAGER COMPLIANCE. (1) No later than March 1st of

each calendar year, each pharmacy benefit manager must file with the authority, in the form and detail as required by the authority, a report for the preceding calendar year stating that the pharmacy benefit manager is in compliance with this chapter.

(2) A pharmacy benefit manager may not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading.

(3) An employer-sponsored self-funded health plan or a Taft-Hartley trust health plan may voluntarily provide the data described in subsection (1) of this section.

NEW SECTION. Sec. 6. MANUFACTURER REPORTING. (1) Beginning October 1, 2019, a covered manufacturer must submit to the authority the following data for each covered drug:

(a) A description of the specific financial and nonfinancial factors used to make the decision to set or increase the wholesale acquisition cost of the drug. In the event of a price increase, a covered manufacturer must also submit the amount of the increase and an explanation of how these factors explain the increase in the wholesale acquisition cost of the drug;

(b) The patent expiration date of the drug if it is under patent;

(c) Whether the drug is a multiple source drug, an innovator multiple source drug, a noninnovator multiple source drug, or a single source drug;

(d) The itemized cost for production and sales, including the annual manufacturing costs, annual marketing and advertising costs, total research and development costs, total costs of clinical trials and regulation, and total cost for acquisition of the drug; and

(e) The total financial assistance given by the manufacturer through assistance programs, rebates, and coupons.

(2) For all qualifying price increases of existing drugs, a manufacturer must submit the year the drug was introduced to market and the wholesale acquisition cost of the drug at the time of introduction.

(3) If a manufacturer increases the price of an existing drug it has manufactured for the previous five years or more, it must submit a schedule of wholesale acquisition cost increases for the drug for the previous five years.

(4) If a manufacturer acquired the drug within the previous five years, it must submit:

(a) The wholesale acquisition cost of the drug at the time of acquisition and in the calendar year prior to acquisition; and

(b) The name of the company from which the drug was acquired, the date acquired, and the purchase price.

(5) Except as provided in subsection (6) of this section, a covered manufacturer must submit the information required by this section:

(a) At least sixty days in advance of a qualifying price increase for a covered drug; and

(b) Within thirty days of release of a new covered drug to the market.

(6) For any drug approved under section 505(j) of the federal food, drug, and cosmetic act, as it existed on the effective date of this section, or a biosimilar approved under section 351(k) of the federal public health service act, as it existed on the effective date of this section, if submitting data in accordance with subsection (5)(a) of this section is not possible sixty days before the price increase, that submission must be made as soon as known but not later than the date of the price increase.

(7) The information submitted pursuant to this section is not subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 7. MANUFACTURER NOTICE OF NEW DRUG APPLICATIONS. (1) Beginning October 1,

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2019, a manufacturer must submit written notice, in a form and manner specified by the authority, informing the authority that the manufacturer has filed with the FDA:

- (a) A new drug application or biologics license application for a pipeline drug; or
- (b) A biologics license application for a biological product.
- (2) The notice must be filed within sixty days of the manufacturer receiving the applicable FDA approval date.
- (3) Upon receipt of the notice, the authority may request from the manufacturer the following information if it believes the drug will have a significant impact on state expenditures:
 - (a) The primary disease, condition, or therapeutic area studied in connection with the new drug, and whether the drug is therapeutically indicated for such disease, condition, or therapeutic area;
 - (b) Each route of administration studied for the drug;
 - (c) Clinical trial comparators for the drug;
 - (d) The date at which the FDA must complete its review of the drug application pursuant to the federal prescription drug user fee act of 1992 (106 Stat. 4491; P.L. 102-571);
 - (e) Whether the FDA has designated the drug an orphan drug, a fast track product, or a breakthrough therapy; and
 - (f) Whether the FDA has designated the drug for accelerated approval, priority review, or if the drug contains a new molecular entity.
- (4) A manufacturer may limit the information reported pursuant to this section to that which is otherwise in the public domain or publicly reported.
- (5) The information collected pursuant to this section is not subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 8. MANUFACTURER NOTICE OF PRICE INCREASES. (1) Beginning October 1, 2019, a manufacturer of a covered drug must notify the authority of a qualifying price increase in writing at least sixty days prior to the planned effective date of the increase. The notice must include:

- (a) The date of the increase, the current wholesale acquisition cost of the prescription drug, and the dollar amount of the future increase in the wholesale acquisition cost of the prescription drug; and
- (b) A statement regarding whether a change or improvement in the drug necessitates the price increase. If so, the manufacturer shall describe the change or improvement.
- (2) For any drug approved under section 505(j) of the federal food, drug, and cosmetic act, as it existed on the effective date of this section, or a biosimilar approved under section 351(k) of the federal public health service act, as it existed on the effective date of this section, if notification is not possible sixty days before the price increase, that submission must be made as soon as known but not later than the date of the price increase.
- (3) The information submitted pursuant to this section is not subject to public disclosure under chapter 42.56 RCW.
- (4) By December 1, 2020, the authority must provide recommendations on how to provide advance notice of price increases to purchasers consistent with state and federal law.

NEW SECTION. Sec. 9. PHARMACY SERVICES ADMINISTRATIVE ORGANIZATION REPORTING. (1) Beginning October 1, 2019, and on a yearly basis thereafter, a pharmacy services administrative organization representing a pharmacy or pharmacy chain in the state must submit to the authority the following data from the previous calendar year:

- (a) The negotiated reimbursement rate of the twenty-five prescription drugs with the highest reimbursement rate;

- (b) The twenty-five prescription drugs with the largest year-to-year change in reimbursement rate, expressed as a percentage and dollar amount; and

(c) The schedule of fees charged to pharmacies for the services provided by the pharmacy services administrative organization.

(2) Any pharmacy services administrative organization whose revenue is generated from flat service fees not connected to drug prices or volume, and paid by the pharmacy, is exempt from reporting.

NEW SECTION. Sec. 10. DATA COLLECTION AND ANNUAL REPORT. (1) The authority shall compile and analyze the data submitted by health carriers, pharmacy benefit managers, manufacturers, and pharmacy services administrative organizations pursuant to this chapter and prepare an annual report for the public and the legislature synthesizing the data to demonstrate the overall impact that drug costs, rebates, and other discounts have on health care premiums.

(2) The data in the report must be aggregated and must not reveal information specific to individual health carriers, pharmacy benefit managers, pharmacy services administrative organizations, individual prescription drugs, individual classes of prescription drugs, individual manufacturers, or discount amounts paid in connection with individual prescription drugs.

(3) Beginning January 1, 2021, and by each January 1st thereafter, the authority must publish the report on its web site.

(4) Except for the report, and as provided in subsection (5) of this section, the authority shall keep confidential all data submitted pursuant to sections 3 through 9 of this act.

(5) For purposes of public policy, upon request of a legislator, the authority must provide all data provided pursuant to sections 3 through 9 of this act and any analysis prepared by the authority. Any information provided pursuant to this subsection must be kept confidential within the legislature and may not be publicly released.

(6) The data collected pursuant to this chapter is not subject to public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 11. ENFORCEMENT. The authority may assess a fine of up to one thousand dollars per day for failure to comply with the requirements of sections 3 through 9 of this act. The assessment of a fine under this section is subject to review under the administrative procedure act, chapter 34.05 RCW. Fines collected under this section must be deposited in the medicaid fraud penalty account created in RCW 74.09.215.

NEW SECTION. Sec. 12. The authority must contact the California office of statewide health planning and development and the Oregon department of consumer and business services to develop strategies to reduce prescription drug costs and increase prescription drug cost transparency. The authority must make recommendations to the legislature for implementing joint state strategies, which may include a joint purchasing agreement, by January 1, 2020.

NEW SECTION. Sec. 13. RULE MAKING. The authority may adopt any rules necessary to implement the requirements of this chapter.

Sec. 14. RCW 74.09.215 and 2013 2nd sp.s. c 4 s 1902, 2013 2nd sp.s. c 4 s 997, and 2013 2nd sp.s. c 4 s 995 are each reenacted and amended to read as follows:

The medicaid fraud penalty account is created in the state treasury. All receipts from civil penalties collected under RCW 74.09.210, all receipts received under judgments or settlements that originated under a filing under the federal false claims act, all receipts from fines received pursuant to section 11 of this act, and

all receipts received under judgments or settlements that originated under the state medicaid fraud false claims act, chapter 74.66 RCW, must be deposited into the account. Moneys in the account may be spent only after appropriation and must be used only for medicaid services, fraud detection and prevention activities, recovery of improper payments, for other medicaid fraud enforcement activities, and the prescription monitoring program established in chapter 70.225 RCW. For the 2013-2015 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing and conversion to the tenth version of the international classification of diseases. For the 2011-2013 fiscal biennium, moneys in the account may be spent on inpatient and outpatient rebasing.

NEW SECTION. Sec. 15. Sections 1 through 13 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "transparency;" strike the remainder of the title and insert "reenacting and amending RCW 74.09.215; adding a new chapter to Title 43 RCW; and prescribing penalties."

And the bill do pass as recommended by the conference committee.

Signed by Senators Cleveland, Mullet and Rivers; Representatives Macri, Robinson and Schmick.

MOTION

Senator Cleveland moved that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1224 be adopted.

Senators Cleveland, O’Ban, Keiser and Mullet spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Report of the Conference Committee on Engrossed Second Substitute House Bill No. 1224 be adopted.

The motion by Senator Cleveland carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1224, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1224, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Rivers

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1224, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Keiser: “I’d like to note that today is Worker Memorial Day. It’s an annual event and here it’s happening right now in our city, at the Department of Labor and Industries. They are reading the names of the workers who have died in the last year on the job. There are, in this state alone, fifty-eight workers – sixty-eight workers who died from accidents on the job and another twenty-three workers who died from occupational illnesses this year. That’s a total of ninety-one people in our state who passed away today, or, this year and what is being memorialized today and what is really sad, of course, is that virtually all of these deaths are preventable. They don’t have to happen. Every one of you probably have someone being, whose name is being read over at the Department of Labor and Industries Building right now. Somebody in your district. Somebody who you know. Many of us had heard about Joe Arrants, who had worked on the 520 bridge as a young carpenter who fell, who left a family, and whose bill will be signed by the governor tomorrow, Senate Bill 5119, with his wife Heather and young children there. It was called ‘Joe’s bill.’ You probably remember that. You may remember the incident just this year one of my constituents was working at her chiropractic office and in Burien, Gabriella Reyes Dominguez, fifty one years old, shot by a stray bullet, died on the job. It’s a time of memoriam for these people and, Mr. President, may I request a moment of silence for these workers?”

MOMENT OF SILENCE

At the request of Senator Keiser, the Senate rose and observed a moment of silence in memory of all Washington workers who died from workplace injuries and illnesses throughout the last year.

PERSONAL PRIVILEGE

Senator Conway: “I agree with everything that was said. I just want to correct, actually Worker Memorial Day is April the 28th and many of our communities will also be celebrating the Worker Memorial Day. So, I asked my colleagues here to pay attention to that because I know many of our local groups do celebrate that as well. So, urge your support for this effort. Thank you.”

MOTION

At 2:18 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic caucus immediately upon going at ease as well as a photograph of the members of the Democratic Caucus at the bar of the senate at the conclusion of caucus.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

The Senate was called to order at 4:27 p.m. by President Habib.

MESSAGES FROM THE HOUSE

April 25, 2019

MR. PRESIDENT:
The House has passed:

SENATE BILL NO. 5359,

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SUBSTITUTE SENATE BILL NO. 5734,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

Springer, Walsh, Kloba, Kirby, Wylie, Griffey,
Stokesbary, Vick, Appleton, Lovick, Ortiz-Self,
Schmick, Steele, Dye, Doglio, Goodman and Santos

April 25, 2019

AN ACT Relating to making adjustments to the service and
filing fees for vehicle subagents and county auditors;
amending RCW 46.17.040, 46.17.005, and 46.68.400; and
creating a new section.

MR. PRESIDENT:
The House has passed:

Referred to Committee on Transportation.

SUBSTITUTE HOUSE BILL NO. 1652,
and the same is herewith transmitted.
NONA SNELL, Deputy Chief Clerk

ESHB 2161 by House Committee on Transportation
(originally sponsored by Fey and Fitzgibbon)

MOTION

AN ACT Relating to concerning ferry vessel procurement;
amending RCW 47.60.810 and 47.60.315; and adding a new
section to chapter 47.60 RCW.

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

Placed on 2nd Reading Calendar.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

MOTION

Senator Salomon moved that Douglass Jackson, Senate
Gubernatorial Appointment No. 9108, be confirmed as a member
of the Shoreline Community College Board of Trustees.

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

Senator Salomon spoke in favor of the motion.

MOTION

MOTION

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

On motion of Senator Schoesler, Senator Rivers was excused.

MESSAGE FROM THE HOUSE

APPOINTMENT OF DOUGLASS JACKSON

April 17, 2019

The President declared the question before the Senate to be the
confirmation of Douglass Jackson, Senate Gubernatorial
Appointment No. 9108, as a member of the Shoreline Community
College Board of Trustees.

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5652 with
the following amendment(s): 5652-S AMH TR H2818.1

The Secretary called the roll on the confirmation of Douglass
Jackson, Senate Gubernatorial Appointment No. 9108, as a
member of the Shoreline Community College Board of Trustees
and the appointment was confirmed by the following vote: Yeas,
48; Nays, 0; Absent, 0; Excused, 1.

Strike everything after the enacting clause and insert the
following:

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown,
Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen,
Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford,
Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet,
Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rolfes,
Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De
Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson,
L. and Zeiger

"Sec. 1. RCW 46.55.090 and 1995 c 360 s 4 are each
amended to read as follows:

Excused: Senator Rivers

(1) All vehicles impounded shall be taken to the nearest storage
location that has been inspected and is listed on the application
filed with the department.

Douglass Jackson, Senate Gubernatorial Appointment No.
9108, having received the constitutional majority was declared
confirmed as a member of the Shoreline Community College
Board of Trustees.

(2) All vehicles and stored personal belongings shall be
handled and returned in substantially the same condition as they
existed before being towed.

MOTION

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

(3) ~~((A#))~~ For purposes of this subsection, "personal
belongings" means personal property and contents in ((the)) a
vehicle, with the exception of those items of personal property
that are registered or titled with the department((;)). For a period
of twenty days from impound, personal belongings shall be kept
intact, and shall be returned to the vehicle's owner or agent during
normal business hours upon request and presentation of a driver's
license or other sufficient identification. ((Personal belongings,
with the exception of those items of personal property that are
registered or titled with the department, shall not)) A vehicle's
owner or agent may retrieve personal belongings from the vehicle
and request that the registered tow truck operator store the
personal belongings for a period of thirty days from the date of
signing a personal belongings storage request form. If a personal
belongings storage request form is not submitted, personal
belongings not claimed within twenty days from the date of the
impound are considered abandoned and may be disposed of at the
registered tow truck operator's discretion. If a personal
belongings storage request form is submitted to the registered tow

SUPPLEMENTAL INTRODUCTION AND FIRST READING

EHB 1789 by Representatives Fey, Barkis, Irwin, Dent,
Young, Mead, Chambers, Stanford, Ryu, Caldier,

truck operator, personal belongings not claimed within thirty days of the date the personal belongings storage request form is submitted are considered abandoned and may be disposed of at the registered tow truck operator's discretion. Abandoned personal belongings may be sold at auction with the vehicle to fulfill a lien against the vehicle. The department shall adopt rules prescribing the content and format of the personal belongings storage request form.

~~(4)~~ ~~((All personal belongings, with the exception of those items of personal property that are registered or titled with the department, not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.~~

~~(5))~~ Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

~~((6))~~ (5) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

Sec. 2. RCW 46.55.110 and 2017 c 43 s 1 are each amended to read as follows:

(1)~~(a)~~ When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound.

~~(b)~~ The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

~~(c)~~ The notification must include a notice that the registered tow truck operator will store personal belongings found in the vehicle at no cost if the vehicle's owner or agent is present to retrieve the personal belongings from the vehicle and sign a personal belongings storage request form before the date of auction. If the vehicle's owner calls a registered tow truck operator to inquire about the impounded vehicle, the registered tow truck operator shall inform the owner of the owner's ability to retrieve any personal belongings from the vehicle and to request the registered tow truck operator to store the personal belongings by signing a personal belongings storage request form before the date of auction. Registered tow truck operators shall store personal belongings at no cost for thirty days from the date the personal belongings are removed from the vehicle by the owner and the vehicle's owner or agent has signed a personal belongings storage request form. Registered tow truck operators shall maintain a record of any signed personal belongings storage request form.

(2) In addition, if a suspended license impound has been ordered, the notice must state the length of the impound, the requirement of the posting of a security deposit to ensure payment of the costs of removal, towing, and storage, notification that if the security deposit is not posted the vehicle will immediately be processed and sold at auction as an abandoned vehicle, and the

requirements set out in RCW 46.55.120(1)(c) regarding the payment of the costs of removal, towing, and storage as well as providing proof of satisfaction of any penalties, fines, or forfeitures before redemption. The notice must also state that the registered owner is ineligible to purchase the vehicle at the abandoned vehicle auction, if held.

(3) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the legal and registered owners from the department through the abandoned vehicle report, the tow truck operator shall send by first-class mail a notice of custody and sale to the legal and registered owners and of the penalties for the traffic infraction littering—abandoned vehicle. The notice must include a notice that the registered tow truck operator will store personal belongings found in the vehicle at no cost if the vehicle's owner or agent is present to retrieve the personal belongings from the vehicle and sign a personal belongings storage request form before the date of auction. The tow truck operator shall obtain a certificate of mailing from the United States postal service when notice is mailed.

(4) If the date on which a notice required by subsection (3) of this section is to be mailed falls upon a Saturday, Sunday, or a postal holiday, the notice may be mailed on the next day that is neither a Saturday, Sunday, nor a postal holiday.

(5) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Fortunato moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5652.

Senator Fortunato spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fortunato that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5652.

The motion by Senator Fortunato carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5652 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5652, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5652, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Dhingra, Erickson, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, King, Kuderer, Liias, McCoy, Mullet, O'Ban, Padden, Palumbo, Pedersen, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Darneille, Das, Hasegawa, Keiser, Lovelett, Nguyen and Randall

Excused: Senator Rivers

SUBSTITUTE SENATE BILL NO. 5652, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2019

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5672 with the following amendment(s): 5672-S2 AMH ENGR H2871.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** A new section is added to chapter 70.128 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the developmental disabilities administration within the department shall work with stakeholders to design and implement services for individuals living in adult family homes who have a primary need of care related to a developmental or intellectual disability. These services must be enhancements or in addition to services currently available, and designed to meet the specific provisions related to the assessment, environment, regulations, provision of care, and training requirements. These services must be enhancements or in addition to services currently available, and designed to support an intentional environment to improve resident quality of life, promote resident safety, including protecting safety in relationships between residents, increase resident length of stay, clarify regulations, streamline training requirements, reduce the need for institutional settings, and attract more adult family home providers to develop such highly needed resources. The recommendations for these services must be completed by June 1, 2020, for consideration and implementation in the 2021-2023 biennium.

(2) Subject to the availability of amounts appropriated for this specific purpose, the aging and long-term support administration within the department shall work with stakeholders to design and implement proposed services for individuals living in adult family homes that are dedicated solely to the care of individuals with dementia, including Alzheimer's disease. These services must be enhancements or in addition to services currently available, and designed to include specific provisions related to the assessment, environment, regulations, provision of care, and training requirements. These services must be designed to support an intentional environment to improve resident quality of life, promote resident safety, including protecting safety in relationships between residents, increase resident length of stay, clarify regulations, streamline training requirements, reduce the need for institutional settings, and attract more adult family home providers to develop such highly needed resources. The recommendations for these services must be completed by June 1, 2020, for consideration and implementation in the 2021-2023 biennium.

Sec. 2. RCW 70.128.010 and 2007 c 184 s 7 are each amended to read as follows:

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

(1) "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not

related by blood or marriage to the person or persons providing the services.

(2) "Provider" means any person who is licensed under this chapter to operate an adult family home. For the purposes of this section, "person" means any individual, partnership, corporation, association, or limited liability company.

(3) "Department" means the department of social and health services.

(4) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

(5) "Adults" means persons who have attained the age of eighteen years.

(6) "Home" means an adult family home.

(7) "Imminent danger" means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

(8) "Special care" means care beyond personal care as defined by the department, in rule.

(9) "Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home and who received special care.

(10) "Resident manager" means a person employed or designated by the provider to manage the adult family home.

(11) "Adult family home licensee" means a provider as defined in this section who does not receive payments from the medicaid and state-funded long-term care programs.

(12) "Adult family home training network" means a nonprofit organization established by the exclusive bargaining representative of adult family homes designated under RCW 41.56.029 with the capacity to provide training, workforce development, and other services to adult family homes.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.128 RCW to read as follows:

(1) If the department has any contracts for personal care services with any adult family home represented by an exclusive bargaining representative:

(a) Effective July 1, 2020, training required under this chapter for adult family homes must be available through an adult family home training network.

(b) The exclusive bargaining representative shall designate the adult family home training network.

(c) The parties to the collective bargaining agreement must negotiate a memorandum of understanding to provide for contributions to the adult family home training network. Contributions to the adult family home training network must begin no sooner than January 1, 2020. Contributions to the adult family home training network for fiscal year 2021 must be limited to no more than the amount appropriated for training in the 2019-2021 collective bargaining agreement.

(d) Contributions must be provided to the adult family home training network through a vendor contract executed by the department.

(e) The adult family home training network shall provide reports as required by the department verifying that providers have complied with all training requirements.

(2) Nothing in subsection (1) of this section:

(a) Limits the ability of a department-approved training entity or instructor to provide training to an adult family home provider, resident manager, or caregiver;

(b) Requires that a department-approved training entity or instructor contract with an adult family home training network; or

(c) Prevents an adult family home provider, resident manager, or caregiver from receiving training from a department-approved training entity or instructor.

NEW SECTION. Sec. 4. A new section is added to chapter 70.128 RCW to read as follows:

(1) By December 1, 2020, the department shall report to the appropriate committees of the legislature on the status of the adult family home training network.

(2) This section expires July 1, 2021.

Sec. 5. RCW 70.128.230 and 2013 c 259 s 5 are each amended to read as follows:

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

(a) "Caregiver" includes all adult family home resident managers and any person who provides residents with hands-on personal care on behalf of an adult family home, except volunteers who are directly supervised.

(b) "Indirect supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section and is quickly and easily available to the caregiver, but not necessarily on-site.

(2) Training must have three components: Orientation, basic training, and continuing education. All adult family home providers, resident managers, and employees, or volunteers who routinely interact with residents shall complete orientation. Caregivers shall complete orientation, basic training, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate adult family home staff to all adult family home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision.

(5) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers.

(a) Specialty training consists of modules on the core knowledge and skills that providers and resident managers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test.

(b) Specialty training must be completed by providers and resident managers before admitting and serving residents who have been determined to have special needs related to mental illness, dementia, or a developmental disability. Should a resident develop special needs while living in a home without specialty designation, the provider and resident manager have one hundred twenty days to complete specialty training.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not

required in the same calendar year in which basic or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully ~~((challenge))~~ complete the competency challenge test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully ~~((challenge))~~ complete the specialty training competency challenge test are fully exempt from the specialty training requirements of this section.

(8) (a) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW are exempt from any continuing education requirement established under this section.

(b) The department may adopt rules that would exempt licensed persons from all or part of the training requirements under this chapter, if they are (i) performing the tasks for which they are licensed and (ii) subject to chapter 18.130 RCW.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the ~~((coordinated system of long-term care training and education))~~ adult family home training network must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges, private associations, or other entities, as defined by the department.

(10) The adult family home training network shall assist adult family homes that desire to deliver facility-based training with facility designated trainers, or adult family homes that desire to pool their resources to create shared training systems~~((=must be encouraged by the department in their efforts))~~. The department shall develop criteria for reviewing and approving trainers and training materials. The department may approve a curriculum based upon attestation by an adult family home administrator that the adult family home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled inspection authorized under RCW 70.128.070. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(11) The department shall adopt rules by September 1, 2002, for the implementation of this section.

(12)(a) Except as provided in (b) of this subsection, the orientation, basic training, specialty training, and continuing education requirements of this section commence September 1, 2002, and shall be applied to (i) employees hired subsequent to September 1, 2002; or (ii) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 and this section. Existing employees who have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 shall be subject to all applicable requirements of this section.

(b) Beginning January 7, 2012, long-term care workers, as defined in RCW 74.39A.009, employed by an adult family home are also subject to the training requirements under RCW 74.39A.074.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

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and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5672.

Senators Cleveland and Conway spoke in favor of the motion. Senator O’Ban spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5672.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5672 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5672, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5672, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, O’Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Rivers

SECOND SUBSTITUTE SENATE BILL NO. 5672, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SENATE BILL NO. 5993, by Senators Frockt, Billig, Liias and Hunt

Reforming the financial structure of the model toxics control program.

MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 5993 was substituted for Senate Bill No. 5993 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following amendment no. 798 by Senators Billig and Frockt be adopted:

On page 1, line 11, after "during the" strike all material through "biennia" and insert "2019-2021 biennium"

On page 2, line 37, after "dollar and" strike "thirty-nine" and insert "nine"

On page 3, line 2, after "as follows" insert ", after first depositing the tax as provided in (c) of this subsection (1)"

On page 3, line 3, after "(i)" strike "Forty-five" and insert "Sixty"

On page 3, line 5, after "(ii)" strike "Forty" and insert "Twenty-five"

On page 3, line 9, after "(c)" insert "Until the beginning of the ensuing biennium after the enactment of an additive transportation funding act, fifty million dollars per biennium to the motor vehicle fund to be used exclusively for transportation stormwater activities and projects. For purposes of this subsection, "additive transportation funding act" means an act in which the combined total of new revenues deposited into the motor vehicle fund and the multimodal transportation account exceed two billion dollars per biennium attributable solely to an increase in revenue from the enactment of the act.

(d)"

Correct any internal references accordingly.

Senator Frockt spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Ericksen: "Will the gentleman from the Forty-sixth yield to a question?"

President Habib: "Senator Frockt do you yield to a question? The Senator does not yield to a question. Senator Ericksen please proceed."

Senator Ericksen spoke against adoption of the amendment. Senator Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 798 by Senators Billig and Frockt on page 1, line 11 to Substitute Senate Bill No. 5993.

The motion by Senator Frockt carried and amendment no. 798 was adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 774 by Senator Braun be adopted:

On page 2, after line 26, insert the following:

"Sec. 102. RCW 82.21.020 and 2002 c 105 s 1 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Hazardous substance" means:

(a) Any substance that, on March 1, 2002, is a hazardous substance under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601(14), as amended by Public Law 99-499 on October 17, 1986, except that hazardous substance does not include the following noncompound metals when in solid form in a particle larger than one hundred micrometers (0.004 inches) in diameter: Antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium, or zinc;

(b) Petroleum products;

(c) Any pesticide product required to be registered under section 136a of the federal insecticide, fungicide and rodenticide act, 7 U.S.C. Sec. 136 et seq., as amended by Public Law 104-170 on August 3, 1996; and

(d) Any other substance, category of substance, and any product or category of product determined by the director of ecology by rule to present a threat to human health or the environment if released into the environment. The director of ecology (~~shall~~) may not add or delete substances from this definition more often than twice during each calendar year. For tax purposes, changes in this definition (~~shall~~) take effect on the first day of the next month that is at least thirty days after the effective date of the rule. The word "product" or "products" as used in this paragraph (d) means an item or items containing both: (i) One or more substances that are hazardous substances under (a), (b), or (c) of this subsection or that are substances or categories of substances determined under this paragraph (d) to present a threat to human health or the environment if released into the environment; and (ii) one or more substances that are not hazardous substances.

(2) "Petroleum product" means plant condensate, lubricating oil, gasoline, (~~aviation fuel~~), kerosene, diesel motor fuel, benzol, fuel oil, residual oil, liquefied or liquefiable gases such as butane, ethane, and propane, and every other product derived from the refining of crude oil, but the term does not include crude oil or aviation fuel.

(3) "Possession" means the control of a hazardous substance located within this state and includes both actual and constructive possession. "Actual possession" occurs when the person with control has physical possession. "Constructive possession" occurs when the person with control does not have physical possession. "Control" means the power to sell or use a hazardous substance or to authorize the sale or use by another.

(4) "Previously taxed hazardous substance" means a hazardous substance in respect to which a tax has been paid under this chapter and which has not been remanufactured or reprocessed in any manner (other than mere repackaging or recycling for beneficial reuse) since the tax was paid.

(5) "Wholesale value" means fair market wholesale value, determined as nearly as possible according to the wholesale selling price at the place of use of similar substances of like quality and character, in accordance with rules of the department.

(6) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

Sec. 103. RCW 82.21.040 and 2015 3rd sp.s. c 6 s 1902 are each amended to read as follows:

The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed hazardous substance. If tax due under this chapter has not been paid with respect to a hazardous substance, the department may collect the tax from any person who has had possession of the hazardous substance. If the tax is paid by any person other than the first person having taxable possession of a hazardous substance, the amount of tax paid (~~shall~~) constitutes a debt owed by the first person having taxable possession to the person who paid the tax(-);

(2) Any possession of a hazardous substance by a natural person under circumstances where the substance is used, or is to be used, for a personal or domestic purpose (and not for any business purpose) by that person or a relative of, or person residing in the same dwelling as, that person(-);

(3) Any possession of a hazardous substance amount which is determined as minimal by the department of ecology and which is possessed by a retailer for the purpose of making sales to

ultimate consumers. This exemption does not apply to pesticide or petroleum products(-);

(4) Any possession of alumina or natural gas(-);

(5)(a) Any possession of a hazardous substance as defined in RCW 82.21.020(1)(c) that is solely for use by a farmer or certified applicator as an agricultural crop protection product and warehoused in this state or transported to or from this state, provided that the person possessing the substance does not otherwise use, manufacture, package for sale, or sell the substance in this state.

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

(i) "Agricultural crop protection product" means a chemical regulated under the federal insecticide, fungicide, and rodenticide act, 7 U.S.C. Sec. 136 as amended as of September 1, 2015, when used to prevent, destroy, repel, mitigate, or control predators, diseases, weeds, or other pests.

(ii) "Certified applicator" has the same meaning as provided in RCW 17.21.020.

(iii) "Farmer" has the same meaning as in RCW 82.04.213.

(iv) "Manufacturing" includes mixing or combining agricultural crop protection products with other chemicals or other agricultural crop protection products.

(v) "Package for sale" includes transferring agricultural crop protection products from one container to another, including the transfer of fumigants and other liquid or gaseous chemicals from one tank to another.

(vi) "Use" has the same meaning as in RCW 82.12.010(-);

(6) Any possession of aviation fuel; and

(7) Persons or activities (~~which~~) that the state is prohibited from taxing under the United States Constitution."

On page 1, line 2 of the title, after "82.21.010," insert "82.21.020, 82.21.040,"

Senator Braun spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 774 by Senator Braun on page 2, after line 26 to Substitute Senate Bill No. 5993.

The motion by Senator Braun did not carry and amendment no. 774 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 797 by Senator Braun be adopted:

On page 2, after line 27, insert the following:

"NEW SECTION. **Sec. 201.** (1) This section is the tax increase performance statement for the tax increase contained in section 202, chapter . . . , Laws of 2019 (section 202 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax increase.

(2) The legislature categorizes this tax increase as one intended to increase environmental cleanup and remediation without negatively impacting the Washington state economy.

(3) It is the legislature's specific public policy objective to increase funding for programs and projects related to clean air, clean water, and toxic cleanup and prevention, in a way that does not negatively impact the economy in the state of Washington.

(4) If a review finds that the tax increase in section 202, chapter . . . , Laws of 2019 (section 202 of this act) has negatively impacted employment in the petroleum industry, the committee must recommend that the tax increase not be reinstated.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data provided by the employment security department and the department of revenue."

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

On page 2, line 36, after "2019," insert "and through June 30, 2025."

On page 2, line 37, after "barrel." insert "Beginning July 1, 2025, the rate of the tax on petroleum products is seventy cents per barrel."

Senators Braun, Ericksen and Wagoner spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

Senator Wagoner 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 adoption of the amendment by Senator Braun on page 2, after line 27 to Substitute Senate Bill No. 5993.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Lovelett, O'Ban, Padden, Randall, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

Excused: Senator Rivers.

MOTION

Senator Short moved that the following amendment no. 793 by Senators Braun and Short be adopted:

On page 2, line 36, after "(b)" strike "Beginning" and insert "Except as provided in (d) of this subsection (1), beginning"

On page 3, after line 18, insert the following:

"(d) If annual employment in the petroleum refining industry in Washington state declines by more than five percent from calendar year 2019 annual employment in the petroleum refining industry in Washington state, based on employment data for the prior calendar year, then beginning July 1st of the current calendar year, the rate of tax on petroleum products is seventy cents per barrel. Annual employment must be determined using employment data provided by the employment security department to the department of revenue."

Senators Short and Ericksen spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 793 by Senators Braun and Short on page 2, line 36 to Substitute Senate Bill No. 5993.

The motion by Senator Short did not carry and amendment no. 793 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 763 by Senator Braun be adopted:

On page 2, line 37, after "is" strike "one dollar and thirty-nine" and insert "seventy"

On page 3, beginning on line 25, strike all of subsection (3) Correct any internal references accordingly.

Senators Braun and Short spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

Senator Ericksen spoke in favor of adoption of the amendment.

Senators Carlyle and Schoesler spoke against adoption of the amendment.

Senator Short withdrew her demand for a roll call.

The President declared the question before the Senate to be the adoption of amendment no. 763 by Senator Braun on page 2, line 37 to Substitute Senate Bill No. 5993.

The motion by Senator Braun did not carry and amendment no. 763 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 794 by Senator Ericksen be adopted:

On page 3, beginning on line 25 strike all material through line 30.

Senator Ericksen spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

REMARKS BY THE PRESIDENT

President Habib: "Senator Frockt, I am going to stop you real quick. I know you are tired and we've all had long nights and long days but we don't 'spew.' We 'speak' on the Senate floor and so please be respectful and I would ask everyone be respectful as debate continues."

Senator Frockt spoke against adoption of the amendment.

Senators Braun and Short spoke in favor of adoption of the amendment.

Senator Short demanded a roll call.

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

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Ericksen on page 3, after line 25 to Substitute Senate Bill No. 5993.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Ericksen and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Lovelett, O'Ban, Padden, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

Excused: Senator Rivers.

WITHDRAWAL OF AMENDMENT

On motion of Senator Frockt and without objection, amendment no. 787 by Senator Frockt on page 5, line 19 to Substitute Senate Bill No. 5993 was withdrawn.

MOTION

Senator Frockt moved that the following amendment no. 799 by Senator Frockt be adopted:

On page 5, line 19, after "chapter" insert ", except as provided under RCW 70.105D.---(7) (section 2(7), chapter . . . (SHB 1290), Laws of 2019)"

The President declared the question before the Senate to be the adoption of amendment no. 799 by Senator Frockt on page 5, line 19 to Substitute Senate Bill No. 5993.

The motion by Senator Frockt carried and amendment no. 799 was adopted by voice vote.

MOTION

Senator Ericksen moved that the following amendment no. 791 by Senator Ericksen be adopted:

On page 9, after line 17, insert the following:

"Sec. 205. RCW 82.21.040 and 2015 3rd sp.s. c 6 s 1902 are each amended to read as follows:

The following are exempt from the tax imposed in this chapter:

(1) Any successive possession of a previously taxed hazardous substance. If tax due under this chapter has not been paid with respect to a hazardous substance, the department may collect the tax from any person who has had possession of the hazardous substance. If the tax is paid by any person other than the first person having taxable possession of a hazardous substance, the amount of tax paid shall constitute a debt owed by the first person having taxable possession to the person who paid the tax.

(2) Any possession of a hazardous substance by a natural person under circumstances where the substance is used, or is to be used, for a personal or domestic purpose (and not for any business purpose) by that person or a relative of, or person residing in the same dwelling as, that person.

(3) Any possession of a hazardous substance amount which is determined as minimal by the department of ecology and which is possessed by a retailer for the purpose of making sales to ultimate consumers. This exemption does not apply to pesticide or petroleum products.

(4) Any possession of alumina or natural gas.

(5)(a) Any possession of a hazardous substance as defined in RCW 82.21.020(1)(c) that is solely for use by a farmer or certified applicator as an agricultural crop protection product and warehoused in this state or transported to or from this state, provided that the person possessing the substance does not

otherwise use, manufacture, package for sale, or sell the substance in this state.

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

(i) "Agricultural crop protection product" means a chemical regulated under the federal insecticide, fungicide, and rodenticide act, 7 U.S.C. Sec. 136 as amended as of September 1, 2015, when used to prevent, destroy, repel, mitigate, or control predators, diseases, weeds, or other pests.

(ii) "Certified applicator" has the same meaning as provided in RCW 17.21.020.

(iii) "Farmer" has the same meaning as in RCW 82.04.213.

(iv) "Manufacturing" includes mixing or combining agricultural crop protection products with other chemicals or other agricultural crop protection products.

(v) "Package for sale" includes transferring agricultural crop protection products from one container to another, including the transfer of fumigants and other liquid or gaseous chemicals from one tank to another.

(vi) "Use" has the same meaning as in RCW 82.12.010.

(6) Persons or activities which the state is prohibited from taxing under the United States Constitution.

(7) Any possession of petroleum products subsequently exported from or sold for export from the state."

On page 1, line 2 of the title, after "82.21.030," insert "82.21.040,"

Senators Ericksen and Sheldon spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 791 by Senator Ericksen on page 9, after line 17 to Substitute Senate Bill No. 5993.

The motion by Senator Ericksen did not carry and amendment no. 791 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 762 by Senator Warnick be adopted:

On page 30, after line 17, insert the following:

NEW SECTION. Sec. 415. The automatic expiration date provisions of RCW 82.32.805(1)(a) do not apply to section 1902, chapter 6, Laws of 2015 3rd sp. sess."

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

Senators Warnick, Schoesler and Padden spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 762 by Senator Warnick on page 30, after line 17 to Substitute Senate Bill No. 5993.

The motion by Senator Warnick did not carry and amendment no. 762 was not adopted by a rising vote.

MOTION

Senator Ericksen moved that the following amendment no. 792 by Senator Ericksen be adopted:

On page 30, after line 17, insert the following:

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"**NEW SECTION. Sec. 415.** This act is null and void if, during the 2019-2021 fiscal biennium, any funds from the following accounts are transferred to the state general fund: State toxics control account, local toxics control account, environmental legacy stewardship account, model toxics control operating account, model toxics control capital account, or model toxics control stormwater account."

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

Senators Ericksen and Braun spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 792 by Senator Ericksen on page 30, after line 17 to Substitute Senate Bill No. 5993.

The motion by Senator Ericksen did not carry and amendment no. 792 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 796 by Senator Braun be adopted:

On page 30, beginning on line 18, insert the following:

"**Sec. 415.** RCW 43.88.055 and 2012 1st sp.s. c 8 s 1 are each amended to read as follows:

(1) The legislature must adopt a four-year balanced budget as follows:

(a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.

(b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.

(2) For purposes of this section:

(a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;

(b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution, but does not include in the 2013-2015 and 2015-2017 fiscal biennia the costs related to the enhanced funding under the new definition of basic education as established in chapter 548, Laws of 2009, and affirmed by the decision in *Mathew McCleary et al., v. The State of Washington*, 173 Wn.2d 477, 269 P.3d 227, (2012), from which the short-term exclusion of these obligations is solely for the purposes of calculating this estimate and does not in any way indicate an intent to avoid full funding of these obligations;

(c) "Related funds," as used in this section, means the Washington opportunity pathways account, model toxics control operating account, and the education legacy trust account.

(3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.

(4) Subsection (1)(b) of this section does not apply in a fiscal biennium in which money is appropriated from the budget stabilization account.

Sec. 416. Section 415 of this act takes effect July 1, 2021."

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

On page 1, line 5 of the title, after "90.71.370," insert "43.88.055,"

Senator Braun spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 796 by Senator Braun on page 30, line 18 to Substitute Senate Bill No. 5993.

The motion by Senator Braun did not carry and amendment no. 796 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 785 by Senator Braun be adopted:

On page 2, after line 27, insert the following:

"**NEW SECTION. Sec. 201.** (1) This section is the tax increase performance statement for the tax increase contained in section 202, chapter . . . , Laws of 2019 (section 202 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax increase.

(2) The legislature categorizes this tax increase as one intended to increase environmental cleanup and remediation without negatively impacting the Washington state economy.

(3) It is the legislature's specific public policy objective to increase funding for programs and projects related to clean air, clean water, and toxic cleanup and prevention, in a way that does not negatively impact the economy in the state of Washington.

(4) If a review finds that the tax increase in section 202, chapter . . . , Laws of 2019 (section 202 of this act) has negatively impacted employment in the petroleum industry, the committee must recommend that the tax increase not be reinstated.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to data provided by the employment security department and the department of revenue."

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

On page 2, line 36, after "2019," insert "and through June 30, 2025."

On page 2, line 37, after "barrel," insert "Beginning July 1, 2025, the rate of the tax on petroleum products is seventy cents per barrel."

Senator Braun spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 785 by Senator Braun on page 31, line 6 to Substitute Senate Bill No. 5993.

The motion by Senator Braun did not carry and amendment no. 785 was not adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 5993 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Ericksen, Sheldon, Wagoner, Schoesler, Bailey and Braun spoke against passage of the bill.

MOTION

Senator Keiser demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Keiser carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5993.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5993 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE SENATE BILL NO. 5993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

HOUSE BILL NO. 1026,
 SUBSTITUTE HOUSE BILL NO. 1041,
 SECOND SUBSTITUTE HOUSE BILL NO. 1048,
 HOUSE BILL NO. 1062,
 SECOND SUBSTITUTE HOUSE BILL NO. 1065,
 HOUSE BILL NO. 1066,
 HOUSE BILL NO. 1070,
 SUBSTITUTE HOUSE BILL NO. 1071,
 SUBSTITUTE HOUSE BILL NO. 1075,
 HOUSE BILL NO. 1092,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,
 SUBSTITUTE HOUSE BILL NO. 1095,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1105,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1112,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1114,

ENGROSSED HOUSE BILL NO. 1126,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1130,
 HOUSE BILL NO. 1133,
 HOUSE BILL NO. 1146,
 HOUSE BILL NO. 1147,
 HOUSE BILL NO. 1149,
 SUBSTITUTE HOUSE BILL NO. 1151,
 ENGROSSED HOUSE BILL NO. 1175,
 HOUSE BILL NO. 1176,
 SUBSTITUTE HOUSE BILL NO. 1197,
 SUBSTITUTE HOUSE BILL NO. 1239,
 HOUSE BILL NO. 1252,
 SUBSTITUTE HOUSE BILL NO. 1284,
 SUBSTITUTE HOUSE BILL NO. 1295,
 SUBSTITUTE HOUSE BILL NO. 1302,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1311,
 HOUSE BILL NO. 1318,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1325,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329,
 SECOND SUBSTITUTE HOUSE BILL NO. 1344,
 SUBSTITUTE HOUSE BILL NO. 1350,
 ENGROSSED HOUSE BILL NO. 1354,
 HOUSE BILL NO. 1366,
 SUBSTITUTE HOUSE BILL NO. 1377,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379,
 HOUSE BILL NO. 1380,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1391,
 SUBSTITUTE HOUSE BILL NO. 1415,
 SECOND SUBSTITUTE HOUSE BILL NO. 1424,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1428,
 SUBSTITUTE HOUSE BILL NO. 1430,
 SECOND SUBSTITUTE HOUSE BILL NO. 1448,
 HOUSE BILL NO. 1449,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1450,
 SUBSTITUTE HOUSE BILL NO. 1480,
 HOUSE BILL NO. 1486,
 HOUSE BILL NO. 1516,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1517,
 SECOND SUBSTITUTE HOUSE BILL NO. 1528,
 SUBSTITUTE HOUSE BILL NO. 1531,
 HOUSE BILL NO. 1533,
 HOUSE BILL NO. 1537,
 SUBSTITUTE HOUSE BILL NO. 1545,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569,
 ENGROSSED SENATE BILL NO. 5453,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5497,
 SENATE BILL NO. 5506,
 SECOND SUBSTITUTE SENATE BILL NO. 5511,
 SENATE BILL NO. 5551,
 SUBSTITUTE SENATE BILL NO. 5560,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5600.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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At 7:35 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus at 8:00 p.m.

Senator Becker announced that a meeting of the Republican Caucus would not be held.

The Senate was called to order at 9:09 p.m. by President Habib.

MOTION

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

SECOND SUPPLEMENTAL AND FIRST READING

SHB 1652 by House Committee on Environment & Energy (originally sponsored by Peterson, DeBolt, Goodman, Fitzgibbon, Appleton, Ortiz-Self, Hudgins, Orwall, Jinkins, Sells, Tharinger, Kloba, Senn, Pollet, Stanford, Bergquist and Macri)

AN ACT Relating to paint stewardship; amending RCW 43.21B.110; reenacting and amending RCW 42.56.270; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

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

MESSAGE FROM THE HOUSE

April 15, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5714 with the following amendment(s): 5714-S AMH PELL H2916.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature recognizes that prosecuting attorneys, law enforcement, and society at large strive for a criminal justice system that minimizes the risk actually innocent people will be convicted. The legislature further recognizes that mistaken identification by witnesses to crime and false testimony by informants who are given benefits in exchange for their testimony have contributed to the conviction of the innocent in Washington state. Through the development of best practices related to the collection of eyewitness evidence and the use of informant witnesses, and the adoption of model guidelines to implement those practices, the legislature aims to improve the quality of such evidence and reduce the risk of wrongful conviction related to these contributing factors.

NEW SECTION. Sec. 2. EYEWITNESS EVIDENCE WORK GROUP. (1) The Washington association of sheriffs and police chiefs shall administer a work group for the purpose of maximizing the reliability of eyewitness evidence collected during criminal investigations.

(2) The president of the senate and the speaker of the house of representatives shall jointly appoint the members of the work group to include the following:

- (a) One member representing the senate;
- (b) One member representing the house of representatives;
- (c) The chief of the Washington state patrol or the chief's designee;
- (d) One member representing the criminal justice training commission with expertise in developing law enforcement training curricula;
- (e) The executive director of the Washington association of sheriffs and police chiefs or the executive director's designee;
- (f) Two members representing the Washington association of prosecuting attorneys, each from a diverse geographical location;
- (g) One member representing the Washington defender association;
- (h) One member representing the Washington association of criminal defense lawyers;
- (i) One member representing the Washington innocence project; and
- (j) One member from the scientific community with expertise in eyewitness memory.

(3) The duties of the work group include, but are not limited to:

- (a) Developing model guidelines for the collection of eyewitness evidence consistent with the model policies adopted in 2015 by the Washington association of sheriffs and police chiefs and the Washington association of prosecuting attorneys. The model guidelines must also: Be based on credible field, academic, or laboratory research on eyewitness memory; be designed to reduce erroneous eyewitness identifications and enhance the reliability and objectivity of eyewitness identifications; and include standards for blind administration of the identification procedure, filler selection, instructions to the witness, and documenting a statement of witness confidence immediately following any positive identification;
 - (b) Designing law enforcement training for the collection and documentation of eyewitness evidence based on the model guidelines developed pursuant to this subsection; and
 - (c) In consultation with the University of Washington Tacoma and the criminal justice training commission, designing a pilot project for implementing and evaluating the effectiveness of the training curriculum developed pursuant to this subsection.
- (4) The work group shall hold its initial meeting no later than July 31, 2019, and complete the model guidelines, training curriculum, and proposal for the pilot project no later than November 30, 2019.
- (5) The work group shall prepare and submit to the appropriate committees of the legislature a report, including a summary of its activities, the model guidelines, training curriculum, proposal for the pilot project, and other related recommendations by November 30, 2019.
- (6) The work group shall function within existing resources.
- (7) This section expires December 31, 2022.

NEW SECTION. Sec. 3. INFORMANT RELIABILITY WORK GROUP. (1) For the purposes of this section, "informant" means any person who: (a) Was previously unconnected with the criminal case as either a witness or a codefendant; (b) claims to have relevant information about the crime; (c) is currently charged with a crime or is facing potential criminal charges or is in custody; and (d) at any time receives

consideration in exchange for providing the information or testimony.

(2) The University of Washington school of law, in consultation with the Washington association of prosecuting attorneys and Washington innocence project, shall administer a work group on the reliability of informant testimony. The primary purposes of the work group are to adopt model guidelines and develop a training curriculum based on those guidelines to assist prosecuting attorneys in evaluating the reliability of information or testimony offered by an informant before it is used in connection with any criminal proceeding and in determining adequate preliminary disclosures to the defense.

(3) The president of the senate and the speaker of the house of representatives shall jointly appoint the members of the work group to include the following:

- (a) One member representing the senate;
- (b) One member representing the house of representatives;
- (c) The executive director of the Washington association of sheriffs and police chiefs or the executive director's designee;
- (d) Two members representing the Washington association of prosecuting attorneys, each from a diverse geographical location;
- (e) One member representing the Washington defender association;
- (f) One member representing the Washington association of criminal defense lawyers;
- (g) One member representing the Washington innocence project; and
- (h) One member of the board of the western states information network.

(4) The duties of the work group include, but are not limited to:

- (a) Developing model guidelines for prosecutors to determine whether to use an informant in a criminal proceeding;

- (b) Designing and implementing statewide training for prosecutors and defense counsel based on the model guidelines; and

- (c) Collecting local protocols required under section 4 of this act.

(5) The work group shall hold its initial meeting no later than July 31, 2019, and complete the model guidelines and training curriculum no later than November 30, 2019.

(6) The work group shall coordinate with the Washington association of prosecuting attorneys, Washington defender association, and Washington association of criminal defense lawyers to make specialized training based on the training curriculum developed pursuant to subsection (4) of this section available to prosecuting attorneys and criminal defense attorneys.

(7) The work group shall prepare and submit to the appropriate committees of the legislature a report including the model guidelines, the training curriculum, and a summary of its work by November 30, 2019.

(8) The work group shall function within existing resources.

(9) This section expires December 31, 2022.

NEW SECTION. Sec. 4. LOCAL PROTOCOLS FOR THE USE OF INFORMANTS. (1) No later than December 31, 2020, each county prosecuting attorney shall:

- (a) Adopt and implement a written local protocol for the use of informants consistent with the model guidelines developed pursuant to section 3 of this act, and submit a copy of the local protocol to the work group established in section 3 of this act; and

- (b) Establish and maintain a central record of informants used in the course of criminal proceedings as well as formal offers to give testimony or other information. This record is the confidential work product of the office of the prosecuting attorney.

(2) If a county prosecutor adopts the model guidelines developed by the work group established under section 3 of this act, it has met the requirements of subsection (1)(a) of this section.

(3) If a county prosecutor chooses to adopt its own local protocol, the protocol must articulate adequate preliminary disclosures to the defense and include a list of procedures for prosecuting attorneys to follow when evaluating the reliability of an informant that includes:

- (a) The complete criminal history of the informant including pending criminal charges;

- (b) Any consideration provided in exchange for the information or testimony;

- (c) Whether the informant's information or testimony was modified or recanted;

- (d) The number of times the informant has previously provided information or testimony in exchange for consideration; and

- (e) The kind and quality of other evidence corroborating the informant's information or testimony.

(4) Nothing in this section diminishes federal constitutional disclosure obligations to criminal defendants or any related obligations under Washington case law, statutes, or court rules.

(5) For the purposes of this section, "informant" means any person who: (a) Was previously unconnected with the criminal case as either a witness or a codefendant; (b) claims to have relevant information about the crime; (c) is currently charged with a crime or is facing potential criminal charges or is in custody; and (d) at any time receives consideration in exchange for providing the information or testimony.

NEW SECTION. Sec. 5. JURY INSTRUCTION FOR INFORMANT TESTIMONY. (1) If the testimony of an informant is admitted in a criminal proceeding, the prosecuting attorney or defendant may request a jury instruction on exercising caution in evaluating the credibility of an informant. Except when otherwise determined by the court, the instruction should be substantially similar to the following form:

"The testimony of an informant, given on behalf of the [State] [City] [County] in exchange for a legal advantage or other benefit, should be subjected to careful examination in the light of other evidence in the case, and should be acted upon with great caution. You, the jury, must weigh the credibility of his or her testimony. You should not find the defendant guilty upon such testimony alone unless, after carefully considering the testimony, you are satisfied beyond a reasonable doubt of its truth."

(2) For the purposes of this section, "informant" has the same meaning as in section 4 of this act.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 10 RCW."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5714.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5714.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5714 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5714, as amended by the House.

April 25, 2019

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5714, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Walsh

SUBSTITUTE SENATE BILL NO. 5714, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Senator Walsh was excused.

SIGNED BY THE PRESIDENT

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

- SUBSTITUTE HOUSE BILL NO. 1575,
- SECOND SUBSTITUTE HOUSE BILL NO. 1579,
- HOUSE BILL NO. 1589,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1599,
- SUBSTITUTE HOUSE BILL NO. 1602,
- SECOND SUBSTITUTE HOUSE BILL NO. 1603,
- HOUSE BILL NO. 1604,
- SUBSTITUTE HOUSE BILL NO. 1607,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1646,
- SUBSTITUTE HOUSE BILL NO. 1658,
- SECOND SUBSTITUTE HOUSE BILL NO. 1668,
- HOUSE BILL NO. 1672,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1692,
- HOUSE BILL NO. 1714,
- SUBSTITUTE HOUSE BILL NO. 1724,
- HOUSE BILL NO. 1726,
- HOUSE BILL NO. 1727,
- HOUSE BILL NO. 1730,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1732,
- SUBSTITUTE HOUSE BILL NO. 1734,

MESSAGES FROM THE HOUSE

April 25, 2019

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2159, and the same is herewith transmitted.

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5505,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 25, 2019

MR. PRESIDENT:

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 25, 2019

MR. PRESIDENT:

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696,

and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 5825, by Senators Hobbs and King

Addressing the tolling of Interstate 405, state route number 167, and state route number 509.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5825 was substituted for Senate Bill No. 5825 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zeiger moved that the following striking amendment no. 674 by Senators Palumbo and Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that the Puget Sound region is faced with growing traffic congestion and must improve mobility for people and goods by maximizing the effectiveness of the freeway system. Investments in the Interstate 405, state route number 167, and state route number 509 corridors are essential for providing benefits for the movement of vehicles and people. Further, the legislature recognizes that in 2015, the passage of the connecting Washington transportation revenue proposal assumed that tolling would be a component of projects on these corridors.

(2) The legislature recognizes that completion of state route number 167 in Pierce county and completion of state route number 509 in King county provide essential connections to the Port of Tacoma and the Port of Seattle and will help ensure people and goods move more reliably through the Puget Sound region.

The completion of these corridors, known as the Gateway project, will play an essential role in enhancing the state's economic competitiveness, both nationally and globally.

(3) The legislature acknowledges that as one of the most congested freeway sections in the state, the Interstate 405 and state route number 167 corridors in King county serve as ideal candidates for an express toll lanes network. The express toll lanes network provides a tool for managing the use of high occupancy vehicle lanes while generating funds to improve projects in the corridors.

(4) Therefore, it is the intent of this act to expedite the delivery of the Puget Sound Gateway facility, designate the Puget Sound Gateway project as an eligible toll facility, and authorize the imposition of tolls on the Puget Sound Gateway facility. It is further the intent of this act to direct the department of transportation to develop and operate an express toll lanes network on Interstate 405 from the city of Lynnwood on the north end to the intersection of state route number 167 and state route number 512 on the south end.

NEW SECTION. Sec. 2. (1) In order to provide funds necessary for the design, right-of-way, and construction of projects as allowed in sections 11 and 14 of this act, there shall be issued and sold upon the request of the department of transportation up to the following amounts of general obligation bonds of the state of Washington first payable from toll revenue and excise taxes on fuel and vehicle-related fees in accordance with section 5 of this act:

- (a) One billion dollars for the Interstate 405 corridor;
- (b) One hundred sixty million dollars for the state route number 167 corridor; and
- (c) Three hundred forty million dollars for the Puget Sound Gateway facility.

(2) For purposes of chapter . . . , Laws of 2019 (this act), "vehicle-related fees" means vehicle-related fees imposed under Title 46 RCW that constitute license fees for motor vehicles to be used for highway purposes.

NEW SECTION. Sec. 3. Upon the request of the department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of bonds authorized by this act in accordance with chapter 39.42 RCW. Bonds authorized by this act shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 4. (1) The proceeds from the sale of bonds authorized by:

- (a) Section 2(1)(a) of this act shall be deposited in the Interstate 405 express toll lanes account created under RCW 47.56.884;
- (b) Section 2(1)(b) of this act shall be deposited in the state route number 167 express toll lanes account created in section 13 of this act; and
- (c) Section 2(1)(c) of this act shall be deposited in the Puget Sound Gateway facility account created in section 15 of this act.

(2) The bond proceeds shall be available only for the purposes enumerated in section 2, chapter . . . , Laws of 2019 (section 2 of this act), for the payment of bond anticipation notes or other interim financing, if any, capitalizing interest on the bonds, funding a debt service reserve fund, if any, and for the payment of bond issuance costs, including the costs of underwriting.

NEW SECTION. Sec. 5. Bonds issued under the authority of this section and sections 2, 6, and 7 of this act shall distinctly state that they are a general obligation of the state of Washington,

shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on the bonds shall be first payable in the manner provided in this section and sections 2, 6, and 7 of this act from toll revenue and then from proceeds of excise taxes on fuel and vehicle-related fees to the extent toll revenue is not available for that purpose. Toll revenue and the state excise taxes on fuel imposed by chapter 82.38 RCW and vehicle-related fees are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of this section and sections 2, 6, and 7 of this act, and the legislature agrees to continue to impose these toll charges on the Interstate 405 express toll lanes, the state route number 167 express toll lanes, and on the Puget Sound Gateway facility, and on any other eligible toll facility designated by the legislature and on which the imposition of tolls is authorized by the legislature in respect of the bonds, and excise taxes on fuel and vehicle-related fees in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of this section and sections 2, 6, and 7 of this act.

NEW SECTION. Sec. 6. For bonds issued under the authority of this section and sections 2, 5, and 7 of this act, the state treasurer shall first withdraw toll revenue from the appropriate toll account for the facility for which the bonds are issued and sold, and, to the extent toll revenue is not available, excise taxes on fuel and vehicle-related fees and deposit in the toll facility bond retirement account, or a special subaccount in the account, such amounts, and at such times, as are required by the bond proceedings.

Any excise taxes on fuel and vehicle-related fees required for bond retirement or interest on the bonds authorized by this section and sections 2, 5, and 7 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on fuel and vehicle-related fees and which is, or may be, appropriated to the department for state highway purposes. Funds required shall never constitute a charge against any other allocations of fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on fuel distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the fuel taxes that are distributable to the state, counties, cities, and towns shall be repaid from available toll revenue in the manner provided in the bond proceedings or, if toll revenue is not available for that purpose, from the first excise taxes on fuel distributed to the motor vehicle fund not required for bond retirement or interest on the bonds authorized by this section and sections 2, 5, and 7 of this act shall be reimbursed to the motor vehicle fund from toll revenue in the manner and with the priority specified in the bond proceedings.

NEW SECTION. Sec. 7. Bonds issued under the authority of sections 2, 5, and 6 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge excise taxes on fuel for the payment of principal and interest thereon shall be an equal charge against the revenues from such excise taxes on fuel.

Sec. 8. RCW 47.10.882 and 2011 c 377 s 3 are each amended to read as follows:

The toll facility bond retirement account is created in the state treasury for the purpose of payment of the principal of and interest

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and premium on bonds. Both principal of and interest on the bonds issued for the purposes of chapter 498, Laws of 2009 ~~((and))~~, chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act) shall be payable from the toll facility bond retirement account. The state finance committee may provide that special subaccounts be created in the account to facilitate payment of the principal of and interest on the bonds. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings.

Sec. 9. RCW 47.10.887 and 2011 c 377 s 5 are each amended to read as follows:

The state finance committee may determine and include in any resolution authorizing the issuance of any bonds under chapter 498, Laws of 2009 ~~((and))~~, chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act), such terms, provisions, covenants, and conditions as it may deem appropriate in order to assist with the marketing and sale of the bonds, confer rights upon the owners of bonds, and safeguard rights of the owners of bonds including, among other things:

(1) Provisions regarding the maintenance and operation of eligible toll facilities;

(2) The pledges, uses, and priorities of application of toll revenue;

(3) Provisions that bonds shall be payable from and secured solely by toll revenue as provided by RCW 47.10.886, or shall be payable from and secured by both toll revenue and by a pledge of excise taxes on motor vehicle and special fuels and the full faith and credit of the state as provided in RCW 47.10.879 and 47.10.883 through 47.10.885;

(4) Provisions that bonds shall be payable from and secured by both toll revenue and by a pledge of excise taxes on fuel and vehicle-related fees and the full faith and credit of the state as provided in sections 2 and 5 through 7 of this act;

(5) In consultation with the department of transportation and the tolling authority, financial covenants requiring that the eligible toll facilities must produce specified coverage ratios of toll revenue to debt service on bonds;

~~((5))~~ (6) The purposes and conditions that must be satisfied prior to the issuance of any additional bonds that are to be payable from and secured by any toll revenue on an equal basis with previously issued and outstanding bonds payable from and secured by toll revenue;

~~((6))~~ (7) Provisions that bonds for which any toll revenue are pledged, or for which a pledge of any toll revenue may be reserved, may be structured on a senior, parity, subordinate, or special lien basis in relation to any other bonds for which toll revenue is pledged, with respect to toll revenue only; and

~~((7))~~ (8) Provisions regarding reserves, credit enhancement, liquidity facilities, and payment agreements with respect to bonds.

Notwithstanding the foregoing, covenants and conditions detailing the character of management, maintenance, and operation of eligible toll facilities, insurance for eligible toll facilities, financial management of toll revenue, and disposition of eligible toll facilities must first be approved by the department of transportation.

The owner of any bond may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon the tolling authority and the department of transportation and their respective officials, including any duties imposed upon or undertaken by them or by their respective officers, agents, and employees, in connection with the construction, maintenance, and operation of eligible toll facilities and in connection with the collection, deposit, investment,

application, and disbursement of the proceeds of the bonds and toll revenue.

Sec. 10. RCW 47.10.888 and 2011 c 377 s 6 are each amended to read as follows:

(1) For the purposes of chapter 498, Laws of 2009 ~~((and))~~, chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act), "toll revenue" means all toll receipts, all interest income derived from the investment of toll receipts, and any gifts, grants, or other funds received for the benefit of transportation facilities in the state, including eligible toll facilities. However, for the purpose of any pledge of toll revenue to the payment of particular bonds issued under chapter 498, Laws of 2009 ~~((and))~~, chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act), "toll revenue" means and includes only such toll revenue or portion thereof that is pledged to the payment of those bonds in the resolution authorizing the issuance of such bonds. Toll revenue constitutes "fees and revenues derived from the ownership or operation of any undertaking, facility, or project" as that phrase is used in Article VIII, section 1(c)(1) of the state Constitution.

(2) For the purposes of chapter 498, Laws of 2009 ~~((and))~~, chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act), "tolling authority" has the same meaning as in RCW 47.56.810.

Sec. 11. RCW 47.56.880 and 2011 c 369 s 3 are each amended to read as follows:

(1) The imposition of tolls for express toll lanes on Interstate 405 between ~~((the junctions with))~~ Interstate 5 on the north end ~~((and NE 6th Street))~~ in the city of ~~((Bellevue))~~ Lynnwood and Interstate 5 on the south end in the city of Tukwila, and for express toll lanes on state route number 167 between Interstate 405 on the north end and state route number 512 on the south end is authorized~~((s))~~. Interstate 405 ~~((is))~~ and state route number 167 are designated ~~((as))~~ eligible toll ~~((facility))~~ facilities, and toll revenue generated in the respective corridors must only be expended on the Interstate 405 and state route number 167 projects as identified in each corridor's master plan and as allowed under RCW 47.56.820.

(2) Tolls for the express toll lanes must be set as follows:

(a) The schedule of toll rates must be set by the tolling authority pursuant to RCW 47.56.850. Toll rates may vary in amount by time of day, level of traffic congestion within the highway facility, or other criteria, as the tolling authority deems appropriate.

(b) In those locations with two express toll lanes in each direction, the toll rate must be the same in both lanes.

(c) Toll charges may not be assessed on transit buses and vanpools.

(d) The department shall establish performance standards for travel time, speed, and reliability for the express toll lanes project. The department must automatically adjust the toll rate within the schedule established by the tolling authority, using dynamic tolling, to ~~((ensure))~~ maintain the goal that average vehicle speeds in the lanes remain above forty-five miles per hour at least ninety percent of the time during peak hours.

(e) The tolling authority shall periodically review the toll rates against traffic performance of all lanes to determine if the toll rates are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) ~~((The department may construct and operate express toll lanes on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end. Operation of the express toll lanes may not commence until the department has completed capacity improvements necessary to provide a two-lane system from NE 6th Street in the city of Bellevue to state route number~~

~~522 and the conversion of the existing high occupancy vehicle lane to an express toll lane between state route number 522 and the city of Lynnwood. Construction of the capacity improvements described in this subsection, including items that enable implementation of express toll lanes such as conduit and other underground features, must begin as soon as practicable. However, any contract term regarding tolling equipment, such as gantries, barriers, or cameras, for Interstate 405 may not take effect unless specific appropriation authority is provided in 2012 stating that funding is provided solely for tolling equipment on Interstate 405.)~~ The department shall work with local jurisdictions to minimize and monitor impacts to local streets and, after consultation with local jurisdictions, recommend mitigation measures to the legislature in those locations where it is appropriate.

(4) The department shall monitor the express toll lanes ~~((project))~~ and shall annually report to the transportation commission and the legislature on the impacts from the project on the following performance measures:

(a) Whether the express toll lanes maintain speeds of forty-five miles per hour at least ninety percent of the time during peak periods, and any alternate metric determined by the department in conjunction with the federal highway administration;

(b) Whether the average traffic speed changed in the general purpose lanes;

(c) Whether transit ridership changed;

(d) Whether the actual use of the express toll lanes is consistent with the projected use;

(e) Whether the express toll lanes generated sufficient revenue to pay for all ~~((Interstate 405))~~ express toll lane-related operating costs; and

(f) Whether travel times and volumes have increased or decreased on adjacent local streets and state highways~~((and~~

~~((g) Whether the actual gross revenues are consistent with projected gross revenues as identified in the fiscal note for Engrossed House Bill No. 1382 distributed by the office of financial management on March 15, 2011.~~

~~((5) If after two years of operation of the express toll lanes on Interstate 405 performance measures listed in subsection (4)(a) and (e) of this section are not being met, the express toll lanes project must be terminated as soon as practicable).~~

~~((6))~~ (5) The department, in consultation with the transportation commission, shall consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes ~~((project))~~.

~~((7))~~ (6) A violation of the lane restrictions applicable to the express toll lanes established under this section is a traffic infraction.

Sec. 12. RCW 47.56.884 and 2011 c 369 s 5 are each amended to read as follows:

(1) The Interstate 405 express toll lanes ~~((operations))~~ account is created in the motor vehicle fund. ~~((All revenues received by the department as toll charges collected from Interstate 405 express toll lane users must be deposited into the account))~~

(2) Deposits to the account must include:

(a) All proceeds of bonds authorized in section 2(1)(a) of this act and loans for the Interstate 405 projects, including capitalized interest;

(b) All tolls and other revenues received from the operation of the Interstate 405 express toll lanes facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for completing the Interstate 405 express toll lanes facility; and

(e) All damages liquidated or otherwise, collected under any contract involving Interstate 405 projects.

(3) Moneys in the account may be spent only after appropriation~~((+))~~, consistent with RCW 47.56.820~~((+))~~, expenditures from the account may be used for debt service, planning, administration, construction, maintenance, operation, repair, rebuilding, enforcement, and the expansion of express toll lanes on Interstate 405).

(4) The proceeds of the general obligation bonds authorized in section 2(1)(a) of this act shall be used to make progress toward completion of the Interstate 405 master plan. It is the intent of the legislature to first use the bond proceeds for the following projects, in priority order:

(a) Up to six hundred million dollars to design and construct capacity improvements on Interstate 405 between state route number 522 and state route number 527. This project would widen Interstate 405 through the state route number 522 interchange, build direct access ramps to the express toll lanes at state route number 522, build one new lane in each direction to be used as a second express toll lane, and build a partial direct access ramp at state route number 527 to the east, north, and south, to provide connections to the Canyon Park park and ride; and

(b) Up to two hundred fifteen million dollars toward completion of the I-405/Renton to Bellevue - Corridor Widening project (M00900R).

NEW SECTION. Sec. 13. (1) The state route number 167 express toll lanes account is created in the motor vehicle fund.

(2) Deposits to the account must include:

(a) All proceeds of bonds authorized in section 2(1)(b) of this act and loans for state route number 167 projects, including capitalized interest;

(b) All tolls and other revenues received from the operation of the state route number 167 express toll lanes facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for completing the state route number 167 express toll lanes facility; and

(e) All damages liquidated or otherwise, collected under any contract involving state route number 167 projects.

(3) Moneys in the account may be spent only after appropriation, consistent with RCW 47.56.820.

(4) The proceeds of the general obligation bonds authorized in section 2(1)(b) of this act shall be used to make progress toward completion of the state route number 167 master plan. It is the intent of the legislature to use the bond proceeds for the following priority projects:

(a) Up to three million dollars to update the state route 167 master plan; and

(b) Up to one hundred million dollars to construct both the northbound and southbound state route number 167 stage 6 extension projects. This project would extend the express toll lanes south to the state route number 410 and state route number 512 interchange to help mitigate traffic congestion.

NEW SECTION. Sec. 14. (1) The Puget Sound Gateway facility is designated an eligible toll facility, tolls are authorized to be imposed on the Puget Sound Gateway facility, and toll revenue generated must be expended only as allowed under RCW 47.56.820.

(2)(a) In setting toll rates for the Puget Sound Gateway facility, pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the Puget Sound Gateway facility.

(b) The tolling authority may adjust toll rates to reflect inflation as measured by the consumer price index or as necessary for those costs that are eligible under RCW 47.56.820 and to meet the obligations of the tolling authority under RCW 47.56.850.

(3) For the purposes of this section and section 15 of this act, "Puget Sound Gateway facility" means the state route number 167 roadway between north Meridian Avenue in Puyallup and Interstate 5 in Fife, the state route number 509 spur between Interstate 5 in Fife and state route number 509 in Tacoma, and the state route number 509 roadway between south 188th street and Interstate 5 in SeaTac.

NEW SECTION. Sec. 15. (1) A special account to be known as the Puget Sound Gateway facility account is created in the motor vehicle fund.

(2) Deposits to the account must include:

(a) All proceeds of bonds authorized in section 2(1)(c) of this act and loans for the Puget Sound Gateway project, including capitalized interest;

(b) All tolls and other revenues received from the operation of the Puget Sound Gateway facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for completing the Puget Sound Gateway project, including existing state route number 509 right-of-way in SeaTac and Des Moines; and

(e) All damages liquidated or otherwise, collected under any contract involving the Puget Sound Gateway project.

(3) Moneys in the account may be spent only after appropriation, consistent with RCW 47.56.820.

(4) The proceeds of the general obligation bonds authorized in section 2(1)(c) of this act shall be used to make progress toward completion of the Puget Sound Gateway facility. It is the intent of the legislature to use the bond proceeds to advance the Puget Sound Gateway facility in order to maximize net mobility benefits for both freight and the traveling public. It is the intent of the legislature for tolling to begin on stage one of the project as soon as practicable in order to leverage toll funds, use bond proceeds to advance one hundred twenty-nine million dollars of connecting Washington state appropriations by two biennia to the 2023-2025 biennium, and advance local and federal contributions. This will allow the department of transportation to deliver and open to the public stage two of the project in fiscal year 2028, three years earlier than originally planned, and to realize twenty million dollars in cost savings in connecting Washington state appropriations.

Sec. 16. RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and 2018 c 203 s 14 are each reenacted and amended to read as follows:

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

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the

cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, ~~((the Interstate 405 express toll lanes operations account,))~~ the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, ~~((the high occupancy toll lanes~~

~~operations account,~~) the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 167 express toll lanes account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond

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

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

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

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1)RCW 47.56.403 (High occupancy toll lane pilot project) and 2017 c 313 s 712, 2015 1st sp.s. c 10 s 705, 2013 c 306 s 709, 2011 c 367 s 709, & 2005 c 312 s 3; and

(2)RCW 47.66.090 (High occupancy toll lanes operations account) and 2005 c 312 s 4.

NEW SECTION. Sec. 18. Any residual balance of funds remaining in the high occupancy toll lanes operations account repealed by section 17 of this act on the effective date of this section, and any year-end accruals accounted for after the effective date of this section from the state route number 167 high occupancy toll lanes pilot project, shall be transferred to the state route number 167 express toll lanes account created in section 13 of this act.

NEW SECTION. Sec. 19. Sections 2 through 7 of this act are each added to chapter 47.10 RCW.

NEW SECTION. Sec. 20. Sections 13 through 15 of this act are each added to chapter 47.56 RCW and codified with the subchapter heading of "toll facilities created after July 1, 2008."

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2019."

On page 1, line 2 of the title, after "509;" strike the remainder of the title and insert "amending RCW 47.10.882, 47.10.887, 47.10.888, 47.56.880, and 47.56.884; reenacting and amending RCW 43.84.092; adding new sections to chapter 47.10 RCW; adding new sections to chapter 47.56 RCW; creating new sections; repealing RCW 47.56.403 and 47.66.090; prescribing penalties; providing an effective date; and declaring an emergency."

WITHDRAWAL OF AMENDMENT

On motion of Senator Saldaña and without objection, amendment no. 717 by Senators Saldaña, Das, Palumbo, Wellman and Hasegawa on page 2, line 10 to striking amendment no. 674 was withdrawn.

ONE HUNDRED SECOND DAY, APRIL 25, 2019

2019 REGULAR SESSION

MOTION

Senator Liias moved that the following amendment no. 775 by Senator Palumbo be adopted:

On page 4, line 8, after "tax" insert "and vehicle-related fee"
 On page 4, line 9, after "fuel" insert "and vehicle-related fees"
 On page 4, line 13, after "taxes" insert "and vehicle-related fees"
 On page 4, line 16, after "first" insert "revenues from the"
 On page 4, line 17, after "fuel" insert "and vehicle-related fees"
 On page 4, line 18, after "fuel" insert "and vehicle-related fees"
 On page 4, line 26, after "fuel" insert "and vehicle-related fees"
 On page 4, line 28, after "fuel" insert "and vehicle-related fees"

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

The President declared the question before the Senate to be the adoption of amendment no. 775 by Senator Palumbo on page 4, line 8 to striking amendment no. 674.

The motion by Senator Liias carried and amendment no. 775 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zeiger and without objection, amendment no. 757 by Senator Zeiger on page 9, line 11 to striking amendment no. 674 was withdrawn.

MOTION

Senator Saldaña moved that the following amendment no. 804 by Senators Das, Saldaña and Wellman be adopted:

On page 10, line 12, after "ride," strike "and"
 On page 10, line 15, after "(M00900R)" insert "; and
(c) Up to twenty million dollars to design the Interstate 405/North 8th Street Direct Access Ramp project in the city of Renton. It is the intent of the legislature to provide construction funding for this project at a later date"

Senators Saldaña and Hobbs spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of amendment no. 804 by Senators Das, Saldaña and Wellman on page 10, line 12 to striking amendment no. 674.

The motion by Senator Saldaña carried and amendment no. 804 was adopted by a rising vote.

MOTION

Senator Keiser moved that the following amendment no. 739 by Senators Keiser, Nguyen, Saldaña and Wilson, C. be adopted:

On page 11, after line 25, insert the following:
 "(4) Prior to setting the schedule of toll rates on the portion of state route number 509 between South 188th Street and Interstate 5 in SeaTac, the department, in collaboration with the transportation commission, must analyze and present to the transportation commission at least one schedule of toll rates that exempts, discounts, or provides other toll relief for low-income drivers during all hours of operation on state route number 509 between South 188th Street and Interstate 5 in SeaTac. In

analyzing the schedule of toll rates, the department shall consider implementing an exemption, discount, or other toll relief policy for drivers that reside in close proximity to the corridor."

Senators Keiser and Hobbs spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of amendment no. 739 by Senators Keiser, Nguyen, Saldaña and Wilson, C. on page 11, after line 25 to striking amendment no. 674.

The motion by Senator Keiser carried and amendment no. 739 was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment no. 756 by Senators Keiser and Nguyen be adopted:

On page 12, after line 22, insert the following:
 "(5) It is also the intent of the legislature to use the bond proceeds for up to five million dollars to provide noise mitigation on state route number 509 between south 188th street and Interstate 5."

Senators Keiser and Hobbs spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of amendment no. 756 by Senators Keiser and Nguyen on page 12, after line 22 to striking amendment no. 674.

The motion by Senator Keiser carried and amendment no. 756 was adopted by voice vote.

Senators Hobbs, Zeiger, Kuderer and Conway spoke in favor of adoption of the striking amendment as amended.

Senators Fortunato, King, Sheldon, Braun, Hasegawa and Becker spoke against adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking amendment no. 674 by Senators Palumbo and Zeiger as amended to Substitute Senate Bill No. 5825.

The motion by Senator Zeiger carried and striking amendment no. 674 as amended was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5825 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators King, Becker, Ericksen, Sheldon, Fortunato and Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5825.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5825 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hasegawa, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5825, having received the constitutionally required three-fifths majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

Senator Becker announced a brief meeting of the Republican Caucus immediately upon going at ease.

The Senate was called to order at 10:39 p.m. by President Habib.

SIGNED BY THE PRESIDENT

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

SUBSTITUTE HOUSE BILL NO. 1746,
HOUSE BILL NO. 1753,
ENGROSSED HOUSE BILL NO. 1756,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1772,
SECOND SUBSTITUTE HOUSE BILL NO. 1784,
HOUSE BILL NO. 1792,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794,
SUBSTITUTE HOUSE BILL NO. 1798,
HOUSE BILL NO. 1803,
SUBSTITUTE HOUSE BILL NO. 1856,
SUBSTITUTE HOUSE BILL NO. 1865,
HOUSE BILL NO. 1901,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916,
SUBSTITUTE HOUSE BILL NO. 1917,
HOUSE BILL NO. 1918,
SUBSTITUTE HOUSE BILL NO. 1931,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018,
SUBSTITUTE HOUSE BILL NO. 2049,
HOUSE BILL NO. 2052,
HOUSE BILL NO. 2062,
HOUSE BILL NO. 2119,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4007,

SECOND READING

SENATE BILL NO. 5998, by Senators Nguyen, Lovelett, Hasegawa, Salomon and Hunt

Establishing a graduated real estate excise tax.

MOTION

On motion of Senator Nguyen, Substitute Senate Bill No. 5998 was substituted for Senate Bill No. 5998 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Nguyen moved that the following striking amendment no. 805 by Senator Nguyen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.45.060 and 2017 3rd sp.s. c 10 s 13 are each amended to read as follows:

(1) There is imposed an excise tax upon each sale of real property ((at the rate of one and twenty eight one hundredths percent of the selling price. Beginning July 1, 2013, and ending June 30, 2023)).

(a) Through December 31, 2019, the rate of the tax imposed under this section is 1.28 percent of the selling price.

(b) Beginning January 1, 2020, except as provided in (c) of this subsection, the rate of the tax imposed under this section is as follows:

(i) 1.1 percent of the portion of the selling price that is less than or equal to five hundred thousand dollars;

(ii) 1.28 percent of the portion of the selling price that is greater than five hundred thousand dollars and equal to or less than one million five hundred thousand dollars;

(iii) 2.75 percent of the portion of the selling price that is greater than one million five hundred thousand dollars and equal to or less than three million dollars;

(iv) Three percent of the portion of the selling price that is greater than three million dollars.

(c) The sale of real property that is classified as timberland or agricultural land is subject to the tax imposed under this section at a rate of 1.28 percent of the selling price.

(2) Beginning July 1, 2022, and every fourth year thereafter:

(a) The department must adjust the selling price threshold in subsection (1)(b)(i) of this section to reflect the lesser of the growth of the consumer price index for shelter or five percent. If the growth is equal to or less than zero percent, the current selling price threshold continues to apply.

(b) The department must adjust the selling price thresholds in subsection (1)(b)(ii) through (iv) of this section by the dollar amount of any increase in the selling price threshold in subsection (1)(b)(i) of this section.

(c) The department must publish updated selling price thresholds by September 1, 2022, and September 1st of every fourth year thereafter. Updated selling price thresholds will apply beginning January 1, 2023, and January 1st every fourth year thereafter. Adjusted selling price thresholds must be rounded to the nearest one thousand dollars. No changes may be made to adjusted selling price thresholds once such adjustments take effect.

(d) The most recent selling price threshold becomes the base for subsequent adjustments.

(e) The department must report adjustments to the selling price thresholds to the fiscal committees of the legislature, beginning December 1, 2022, and December 1st every fourth year thereafter.

(3)(a) The department must publish guidance to assist sellers in properly classifying real property on the real estate excise tax affidavit for purposes of determining the proper amount of tax due under this section. Real property with multiple uses must be classified according to the property's predominant use. The

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department's guidance must include factors for use in determining the predominant use of real property.

(b) County treasurers are not responsible for verifying that the seller has properly classified real property reported on a real estate excise tax affidavit. The department is solely responsible for such verification as part of its audit responsibilities under RCW 82.45.150.

(4)(a) Beginning July 1, 2013, and ending December 31, 2019, an amount equal to two percent of the proceeds of this tax must be deposited in the public works assistance account created in RCW 43.155.050, ~~((and))~~ an amount equal to four and one-tenth percent must be deposited in the education legacy trust account created in RCW 83.100.230~~((Thereafter, an amount equal to six and one-tenth percent of the proceeds of this tax to the state treasurer must be deposited in the public works assistance account created in RCW 43.155.050. Except as otherwise provided in this section)),~~ an amount equal to one and six-tenths percent ~~((of the proceeds of this tax to the state treasurer))~~ must be deposited in the city-county assistance account created in RCW 43.08.290, and the remainder must be deposited in the general fund.

(b) Beginning January 1, 2020, amounts collected from the tax imposed under this section must be deposited as provided in section 2 of this act.

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

(a) "Agricultural land" means farm and agricultural land and farm and agricultural conservation land, as those terms are defined in RCW 84.34.020, including any structures on such land.

(b) "Consumer price index for shelter" means the most current seasonally adjusted index for the shelter expenditure category of the consumer price index for all urban consumers (CPI-U) as published by July 31st by the bureau of labor statistics of the United States department of labor.

(c) "Growth of the consumer price index for shelter" means the percentage increase in the consumer price index for shelter as measured from data published by the bureau of labor statistics of the United States department of labor by July 31st for the most recent three-year period for the selling price threshold adjustment in 2022, and the most recent four-year period for subsequent selling price threshold adjustments.

(d) "Timberland" means land classified under chapter 84.34 RCW or designated under chapter 84.33 RCW, including any structures and standing timber on such land, and standing timber sold apart from the land upon which it sits.

NEW SECTION. Sec. 2. A new section is added to chapter 82.45 RCW to read as follows:

(1) Beginning January 1, 2020, and ending June 30, 2023, the amounts received for the tax imposed on each sale of real property under RCW 82.45.060 must be deposited as follows:

(a) 1.7 percent must be deposited into the public works assistance account created in RCW 43.155.050;

(b) 1.4 percent must be deposited into the city-county assistance account created in RCW 43.08.290;

(c) 79.4 percent must be deposited into the general fund; and

(d) The remainder must be deposited into the educational legacy trust account created in RCW 83.100.230.

(2) Beginning July 1, 2023, and thereafter, the amounts received for the tax imposed on each sale of real property under RCW 82.45.060 must be deposited as follows:

(a) 5.2 percent must be deposited into the public works assistance account created in RCW 43.155.050;

(b) 1.4 percent must be deposited into the city-county assistance account created in RCW 43.08.290;

(c) 79.4 percent must be deposited into the general fund; and

(d) The remainder must be deposited into the education legacy trust account created in RCW 83.100.230.

Sec. 3. RCW 82.45.010 and 2018 c 223 s 3 and 2018 c 221 s 1 are each reenacted and amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any ~~((twelve-))~~ thirty-six month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a ~~((twelve-))~~ thirty-six month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a ~~((twelve-))~~ thirty-six month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling

interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be

considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

Sec. 4. RCW 82.45.033 and 2010 1st sp.s. c 23 s 208 are each amended to read as follows:

(1) As used in this chapter, the term "controlling interest" has the following meaning:

(a) In the case of a profit corporation, either fifty percent or more of the total combined voting power of all classes of stock of the corporation entitled to vote, or fifty percent of the capital, profits, or beneficial interest in the voting stock of the corporation; and

(b) In the case of any other corporation, or a partnership, association, trust, or other entity, fifty percent or more of the capital, profits, or beneficial interest in such corporation, partnership, association, trust, or other entity.

(2) The department may, at the department's option, enforce the obligation of the seller under this chapter as provided in this subsection (2):

(a) In the transfer or acquisition of a controlling interest as defined in subsection (1)(a) of this section, either against the corporation in which a controlling interest is transferred or acquired, against the person or persons who acquired the controlling interest in the corporation or, when the corporation is not a publicly traded company, against the person or persons who transferred the controlling interest in the corporation; and

(b) In the transfer or acquisition of a controlling interest as defined in subsection (1)(b) of this section, either against the entity in which a controlling interest is transferred or acquired or against the person or persons who transferred or acquired the controlling interest in the entity.

NEW SECTION. **Sec. 5.** A new section is added to chapter 82.45 RCW to read as follows:

The legislature recognizes that in adopting a graduated tax rate structure providing for increased tax rates for sales of highly valued property, while also exempting certain types of property from the increased tax rates, some taxpayers will attempt to avoid or reduce the tax imposed in this chapter by structuring

transactions in a way that serves no meaningful purpose other than to reduce tax due under this chapter.

(1)(a) When necessary to deny the tax benefit that would otherwise accrue from engaging in one or more related transactions designed to avoid tax under this chapter, the department is authorized to disregard the form of the transaction or series of transactions and determine the proper tax treatment under this chapter based on the substance of the transaction or transactions. In exercising this authority, the department may consider the factors described in RCW 82.32.655(2) (a), (b), (c), and (f).

(b) The authority provided in this subsection includes, but is not limited to, treating multiple sales as a single sale as necessary to prevent the parties from reducing the tax liability under this chapter when it appears that the parties have engaged in a concerted plan intended from the outset to achieve a reduced effective tax rate than had the parties collapsed the separate sales into a single sale at the outset.

(2) The department is encouraged to provide guidance to the public concerning the department's implementation of this section, whether by rule or otherwise.

Sec. 6. RCW 43.07.390 and 2010 1st sp.s. c 23 s 213 are each amended to read as follows:

(1)(a) The secretary of state must adopt rules requiring any entity that is required to file an annual report with the secretary of state, including entities under Titles 23, 23B, 24, and 25 RCW, to disclose: (i) Any transfer of the controlling interest in the entity or an interest that amounts to at least one-third of a controlling interest in the entity; and (ii) the granting of any option to acquire an interest ~~((in the entity if the exercise of the option would result in a sale as defined in RCW 82.45.010(2)))~~ described in (a)(i) of this subsection.

(b) The disclosure requirement in this subsection only applies to entities owning an interest in real property located in this state.

(2) This information must be made available to the department of revenue upon request for the purposes of tracking the transfer of the controlling interest in entities owning real property and to determine when the real estate excise tax is applicable in such cases.

(3) For the purposes of this section, "controlling interest" has the same meaning as provided in RCW 82.45.033.

Sec. 7. RCW 82.45.220 and 2010 1st sp.s. c 23 s 212 are each amended to read as follows:

(1) An organization that fails to report ~~((a transfer of the controlling interest in the organization under RCW 43.07.390 to the secretary of state and is later determined to be subject to real estate excise taxes due to the transfer,))~~ to the secretary of state a transfer of an interest in the organization as required under RCW 43.07.390 and the transfer results in a sale as defined in RCW 82.45.010(2) is subject to the provisions of RCW 82.45.100 as well as the evasion penalty in RCW 82.32.090(7).

(2) Subsection (1) of this section also applies to the failure to report to the secretary of state the granting of an option to acquire an interest in the organization if the exercise of the option would result in a sale as defined in RCW 82.45.010(2).

NEW SECTION. **Sec. 8.2.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. **Sec. 9.** This act takes effect January 1, 2020."

On page 1, line 2 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.45.060, 82.45.033, 43.07.390, and 82.45.220; reenacting and amending RCW

82.45.010; adding new sections to chapter 82.45 RCW; creating a new section; and providing an effective date."

MOTION

Senator Braun moved that the following amendment no. 810 by Senator Braun be adopted:

On page 1, line 24, after "timberland" strike "or" and insert "and"
On page 1, line 25, after "land" insert ", or multiple-unit housing as defined in RCW 84.14.010"

Senators Braun, Sheldon, Short and Fortunato spoke in favor of adoption of the amendment to the striking amendment.

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

Senator Short 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 adoption of the amendment by Senator Braun on page 1, line 24, to striking amendment no. 805.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment to the striking amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Walsh.

MOTION

Senator Braun moved that the following amendment no. 808 by Senator Braun be adopted:

On page 1, after line 26, insert the following:

"(d) The sale of multiple-unit housing, as defined in RCW 84.14.010, is subject to the tax imposed under this section at a rate of 1.1 percent of the selling price for the initial sale of the property after the value of the improvements have been included for purposes of the exemption under chapter 84.14 RCW and at a rate as provided in (b) of this subsection for all subsequent sales of the property."

Senator Braun spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of amendment no. 808 by Senator Braun on page 1, after line 26 to striking amendment no. 805.

The motion by Senator Braun did not carry and amendment no. 808 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment no. 807 by Senators Schoesler and Warnick be adopted:

On page 3, after line 31, insert the follow:

(a) \$3,941,000 per biennium for the purpose of funding the payment in lieu of tax program under RCW 77.12.170;

On page 4, after line 3, insert the follow:

(a) \$3,941,000 per biennium for the purpose of funding the payment in lieu of tax program under RCW 77.12.170;

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of amendment no. 807 by Senators Schoesler and Warnick on page 3, after line 31 to striking amendment no. 805.

The motion by Senator Schoesler did not carry and amendment no. 807 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 811 by Senator Short be adopted:

On page 12, after line 4, insert the following:

"**Sec. 8.** RCW 82.45.180 and 2013 c 251 s 11 are each amended to read as follows:

(1)(a) For taxes collected by the county under this chapter, the county treasurer (~~shall~~) must collect a five dollar fee on all transactions required by this chapter where the transaction does not require the payment of tax. A total of five dollars (~~shall~~) must be collected in the form of a tax and fee, where the calculated tax payment is less than five dollars. (~~Through June 30, 2006, the county treasurer shall place one percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. After June 30, 2006, the county treasurer shall place one and three tenths percent of the taxes collected by the county~~) From the taxes collected by the county under this chapter, the county treasurer must place an amount equal to 0.017 percent of the selling price for each taxable transaction under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. (For taxes collected by the county under this chapter before July 1, 2006, the county treasurer shall pay over to the state treasurer and account to the department of revenue for the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. For) Taxes collected by the county under this chapter after June 30, 2006, on a monthly basis the county treasurer (~~shall~~) must pay over to the state treasurer the month's transmittal. The month's transmittal must be received by the state treasurer by 12:00 p.m. on the last working day of each month. The county treasurer (~~shall~~) must account to the department for the month's transmittal by the twentieth day of the month following the month in which the month's transmittal was paid over to the state treasurer. The state treasurer (~~shall~~) must deposit the proceeds in the general fund.

(b) (~~For purposes of this subsection,~~) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(i) "Close of business" means the time when the county treasurer makes his or her daily deposit of proceeds.

(ii) "Month's transmittal" means all proceeds deposited by the county through the close of business of the day that is two working days before the last working day of the month. This definition of "month's transmittal" shall not be construed as requiring any change in a county's practices regarding the timing of its daily deposits of proceeds.

(iii) "Proceeds" means moneys collected and received by the county from the taxes imposed by this chapter, less the county's share of the proceeds used to defray the county's costs of collection allowable in (a) of this subsection.

(iv) "Working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as provided in RCW 1.16.050.

(2) For taxes collected by the department ~~((of revenue))~~ under this chapter, the department ~~((shall))~~ must remit the tax to the state treasurer who ~~((shall))~~ must deposit the proceeds of any state tax in the general fund. The state treasurer ~~((shall))~~ must deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties, cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account ~~((shall))~~ must be credited to the local real estate excise tax account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer ~~((shall))~~ must make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer ~~((shall))~~ must make the distribution under this subsection without appropriation.

(3)(a) Through June 30, 2010, the county treasurer ~~((shall))~~ must collect an additional five dollar fee on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer ~~((shall))~~ must remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer ~~((shall))~~ must place money from this fee in the general fund. By the twentieth day of the subsequent month, the state treasurer ~~((shall))~~ must distribute to each county treasurer according to the following formula: Three-quarters of the funds available ~~((shall))~~ must be equally distributed among the thirty-nine counties; and the balance ~~((shall))~~ must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(b) When received by the county treasurer, the funds ~~((shall))~~ must be placed in a special real estate excise tax electronic technology fund held by the county treasurer to be used exclusively for the development, implementation, and maintenance of an electronic processing and reporting system for real estate excise tax affidavits. Funds may be expended to make the system compatible with the automated real estate excise tax system developed by the department and compatible with the processes used in the offices of the county assessor and county auditor. Any funds held in the account that are not expended by the earlier of: July 1, 2015, or at such time that the county treasurer is utilizing an electronic processing and reporting system for real estate excise tax affidavits compatible with the department and compatible with the processes used in the offices of the county assessor and county auditor, revert to the special real estate and property tax administration assistance account in accordance with subsection (5)(c) of this section.

(4) Beginning July 1, 2010, through December 31, 2013, the county treasurer ~~((shall))~~ must continue to collect the additional five dollar fee in subsection (3) of this section on all transactions

required by this chapter, regardless of whether the transaction requires the payment of tax. During this period, the county treasurer ~~((shall))~~ must remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer ~~((shall))~~ must place money from this fee in the annual property revaluation grant account created in RCW 84.41.170.

(5)(a) The real estate and property tax administration assistance account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

(b) Beginning January 1, 2014, the county treasurer must continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer ~~((shall))~~ must deposit one-half of this fee in the special real estate and property tax administration assistance account in accordance with (c) of this subsection and remit the balance to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer must place money from this fee in the real estate and property tax administration assistance account. By the twentieth day of the subsequent month, the state treasurer must distribute the funds to each county treasurer according to the following formula: One-half of the funds available must be equally distributed among the thirty-nine counties; and the balance must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds must be placed in a special real estate and property tax administration assistance account held by the county treasurer to be used for:

- (i) Maintenance and operation of an annual revaluation system for property tax valuation; and
- (ii) Maintenance and operation of an electronic processing and reporting system for real estate excise tax affidavits."

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

On page 12, line 10, after "43.07.390," strike "and 82.45.220" and insert "82.45.220, and 82.45.180"

Senator Short spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of amendment no. 811 by Senator Short on page 12, after line 4 to striking amendment no. 805.

The motion by Senator Short did not carry and amendment no. 811 was not adopted by voice vote.

MOTION

Senator Sheldon moved that the following amendment no. 809 by Senator Sheldon be adopted:

On page 12, after line 6, insert the following:

"NEW SECTION. Sec. 9. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

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

On page 12, line 11, after "section;" strike the remainder of the title and insert "providing an effective date; and providing for submission of this act to a vote of the people."

Senators Sheldon, Ericksen and Brown spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of amendment no. 809 by Senator Sheldon on page 12, after line 6 to striking amendment no. 805.

The motion by Senator Sheldon did not carry and amendment no. 809 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking amendment no. 805 by Senator Nguyen to Substitute Senate Bill No. 5998.

The motion by Senator Nguyen carried and striking amendment no. 805 was adopted by voice vote.

MOTION

On motion of Senator Nguyen, the rules were suspended, Engrossed Substitute Senate Bill No. 5998 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and Lovelett spoke in favor of passage of the bill.

Senators Braun, Sheldon, Ericksen and Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5998.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5998 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Dhingra, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

Excused: Senator Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5998, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

SENATE BILL NO. 5359,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5444,
SENATE BILL NO. 5505,
SUBSTITUTE SENATE BILL NO. 5734,
SECOND SUBSTITUTE HOUSE BILL NO. 1087,

SUBSTITUTE HOUSE BILL NO. 1196,
SECOND SUBSTITUTE HOUSE BILL NO. 1216,
SUBSTITUTE HOUSE BILL NO. 1225,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.
1257,
SECOND SUBSTITUTE HOUSE BILL NO. 1394,
SECOND SUBSTITUTE HOUSE BILL NO. 1444,
HOUSE BILL NO. 1462,
ENGROSSED HOUSE BILL NO. 1465,
SUBSTITUTE HOUSE BILL NO. 1476,
HOUSE BILL NO. 1505,
ENGROSSED HOUSE BILL NO. 1564,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1578,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1582,
ENGROSSED HOUSE BILL NO. 1638,
ENGROSSED HOUSE BILL NO. 1706,
SUBSTITUTE HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1786,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1874,

SECOND READING

SENATE BILL NO. 5997, by Senators Rolfes and Hunt

Eliminating or narrowing certain tax preferences to increase state revenue for essential public services.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5997 was substituted for Senate Bill No. 5997 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Liias moved that the following amendment no. 806 by Senator Rolfes be adopted:

On page 6, line 14, strike all material down and through page 13, line 37.

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 806 by Senator Rolfes on page 6, line 14 to Substitute Senate Bill No. 5997.

The motion by Senator Liias carried and amendment no. 806 was adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following amendment no. 813 by Senator Wilson, L. be adopted:

On page 13, after line 37 insert the following:

**"PART III
Creating a Deferred Finding Program for Nonpayment of
License Fees and Taxes for Vehicle, Vessel, and Aircraft
Registration**

NEW SECTION. **Sec. 301.** (1) The legislature finds that counties that border other states and Canada experience a significant problem of residents of Washington state who evade taxes and fees by failing to register their vehicles, aircraft, and

vessels in Washington state. According to a 2007 Washington State University study, the department of revenue lost eighty million dollars over the previous five years to persons avoiding taxes and fees in this manner. It was also estimated in the study that twenty thousand vehicles were illegally registered in Oregon to residents of Clark county, Washington. The problem has undoubtedly grown worse in the decade since the study was completed resulting in hundreds of millions of dollars in lost revenue to state and local coffers as these new residents fail to pay their fair share for public services. Moreover, a public safety risk is created when inaccurate information is provided to law enforcement or insurance companies in the event of an accident or infraction.

(2) Current statutes contain monetarily significant penalties that are appropriate given the scope of the harm. It is the intent of the legislature that law enforcement and prosecutors proceed against violators to the fullest extent of the law. In order to give them more tools and ensure compliance with the law, it is the intent of the legislature to set up a deferred finding program consistent with other programs in the state that allows defendants to obtain dismissal of charges if they take certain remedial steps. It is the intent of the legislature that the punishment for those who do not comply with the deferred finding program remain in force and be fully implemented.

NEW SECTION. Sec. 302. A new section is added to chapter 10.05 RCW to read as follows:

Any county may set up a deferred finding program for persons who receive a citation for failing to register a vehicle under RCW 46.16A.030, an aircraft under RCW 47.68.255, or a vessel under RCW 88.02.400. Upon receipt of proof satisfactory to the prosecuting attorney's office with jurisdiction over the offense, which shall include payment of a five hundred dollar fine, that the person cited has a valid Washington state driver's license, and that the person cited has registered the vehicle, aircraft, or vessel that was the subject of the citation in Washington state, the citation must be dismissed. If receipt of proof does not occur within ninety days of the citation, the prosecuting attorney must seek the full penalty available for the citation. Fines generated pursuant to this program shall be used by the county for the purpose of enforcement and prosecution of registration requirements under RCW 46.16A.030, 47.68.255, or 88.02.400. This section applies to persons who have never received a previous citation or participated in a program of deferred finding for failing to register a vehicle under RCW 46.16A.030, an aircraft under RCW 47.68.255, or a vessel under RCW 88.02.400.

Sec. 303. RCW 46.16A.030 and 2011 c 171 s 43 and 2011 c 96 s 31 are each reenacted and amended to read as follows:

(1) Vehicles must be registered as required by this chapter and must display license plates or decals assigned by the department.

(2) It is unlawful for a person to operate any vehicle on a public highway of this state without having in full force and effect a current and proper vehicle registration and displaying license plates on the vehicle.

(3) Vehicle license plates or registration certificates, whether original issues or duplicates, may not be issued or furnished by the department until the applicant makes satisfactory application for a certificate of title or presents satisfactory evidence that a certificate of title covering the vehicle has been previously issued.

(4) Failure to make initial registration before operating a vehicle on the public highways of this state is a traffic infraction. A person committing this infraction must pay a fine of five hundred twenty-nine dollars, which may not be suspended(~~(; deferred;)~~) or reduced. This fine is in addition to any delinquent taxes and fees that must be deposited and distributed in the same

manner as if the taxes and fees were properly paid in a timely fashion. The five hundred twenty-nine dollar fine must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250.

(5) Failure to renew an expired registration before operating a vehicle on the public highways of this state is a traffic infraction.

(6) It is a gross misdemeanor for a resident, as identified in RCW 46.16A.140, to register a vehicle in another state, evading the payment of any tax or vehicle license fee imposed in connection with registration. It is punishable, in lieu of the fine in subsection (4) of this section, as follows:

(a) For a first offense:

(i) Up to three hundred sixty-four days in the county jail;

(ii) Payment of a fine of five hundred twenty-nine dollars plus any applicable assessments, which may not be suspended(~~(; deferred;)~~) or reduced. The fine of five hundred twenty-nine dollars must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250;

(iii) A fine of one thousand dollars to be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250, which may not be suspended(~~(; deferred;)~~) or reduced; and

(iv) The delinquent taxes and fees, which must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion, and which may not be suspended(~~(; deferred;)~~) or reduced;

(b) For a second or subsequent offense:

(i) Up to three hundred sixty-four days in the county jail;

(ii) Payment of a fine of five hundred twenty-nine dollars plus any applicable assessments, which may not be suspended(~~(; deferred;)~~) or reduced. The fine of five hundred twenty-nine dollars must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250;

(iii) A fine of five thousand dollars to be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250, which may not be suspended(~~(; deferred;)~~) or reduced; and

(iv) The amount of delinquent taxes and fees, which must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion, and which may not be suspended(~~(; deferred;)~~) or reduced.

(7) A vehicle with an expired registration of more than forty-five days parked on a public street may be impounded by a police officer under RCW 46.55.113(2).

Sec. 304. RCW 47.68.255 and 2010 c 161 s 1147 are each amended to read as follows:

A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country evading the Washington aircraft excise tax is guilty of a gross misdemeanor. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended (~~(or deferred)~~). Excise taxes owed and fines assessed (~~(with)~~) must be deposited in the manner provided under RCW 46.16A.030(6).

Sec. 305. RCW 88.02.400 and 2010 c 161 s 1007 are each amended to read as follows:

(1) It is a gross misdemeanor punishable as provided under chapter 9A.20 RCW for any person owning a vessel subject to taxation under chapter 82.49 RCW to:

(a) Register a vessel in another state to avoid Washington state vessel excise tax required under chapter 82.49 RCW; or

(b) Obtain a vessel dealer's license for the purpose of evading excise tax on vessels under chapter 82.49 RCW.

(2) For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, which may not be suspended ((or deferred)).

(3) Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6)."

Renumber the remaining part and section and correct any internal references accordingly.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "increasing revenues by revising tax preferences and enforcement processes; amending RCW 82.08.0273, 82.04.260, 47.68.255, and 88.02.400; reenacting and amending RCW 46.16A.030; adding a new section to chapter 10.05 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency."

Senators Wilson, L. and Rivers spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 813 by Senator Wilson, L. on page 13, after line 37 to Substitute Senate Bill No. 5997.

The motion by Senator Wilson, L. carried and amendment no. 813 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Braun, Cleveland, Padden, Takko and Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5997.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5997 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Van De Wege and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Cleveland, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Schoesler, Sheldon, Short, Takko, Wagoner, Warnick, Wellman, Wilson, L. and Zeiger

Excused: Senators Rivers and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5997, 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 Liias announced a meeting of the Democratic Caucus at 9:00 a.m., April 26, and a meeting of the Committee on Ways & Means at 10:00 a.m., April 26.

Senator Becker announced that a morning meeting of the Republican Caucus would not be held.

MOTION

At 11:49 p.m., on motion of Senator Liias, the Senate adjourned until 12:00 o'clock noon Friday, April 26, 2019.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

NOON SESSION

Senate Chamber, Olympia
Friday, April 26, 2019

The Senate was called to order at 12:04 p.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Elizabeth Marsh and Miss Caitlyn Wilson, presented the Colors. Page Miss Cheyne Mooney led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Clint Collins, First Christian Church (Disciples of Christ) of Bremerton.

The President called upon the Secretary to read the journal of the preceding day.

MOTION

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

MOTION

Pursuant to Rule 46, on motion of Senator Kuderer and without objection, the Committee on Ways & Means was granted special leave to meet during the day's floor session.

MOTION

On motion of Senator Kuderer, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Kuderer and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 25, 2019

I 1000 Prime Sponsor, : Concerning diversity, equity, and inclusion. Reported by Committee on State Government, Tribal Relations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Kuderer, Vice Chair; Hunt, Chair; Hasegawa and Takko.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Zeiger, Ranking Member.

MINORITY recommendation: Do not pass. Signed by Senators Bailey and Hawkins.

Referred to Committee on Rules for second reading.

April 24, 2019

ESHB 1793 Prime Sponsor, Committee on Transportation: Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Saldaña, Vice Chair; Cleveland; Das; Lovelett; Nguyen; Randall; Wilson, C. Hobbs, Chair.

MINORITY recommendation: Do not pass. Signed by Senators King, Ranking Member; Sheldon, Assistant Ranking Member; Fortunato; O'Ban; Padden and Zeiger.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Kuderer, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM THE HOUSE

April 25, 2019

MR. PRESIDENT:
The Speaker has signed:

HOUSE BILL NO. 1016,
SUBSTITUTE HOUSE BILL NO. 1083,
SUBSTITUTE HOUSE BILL NO. 1155,
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1324,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1593,
SECOND SUBSTITUTE HOUSE BILL NO. 1767,
SECOND SUBSTITUTE HOUSE BILL NO. 1907,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1923,
ENGROSSED HOUSE BILL NO. 2067,
HOUSE BILL NO. 2144,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 25, 2019

MR. PRESIDENT:
The Speaker has signed:

SENATE BILL NO. 5054,
 SENATE BILL NO. 5179,
 SENATE BILL NO. 5260,
 SUBSTITUTE SENATE BILL NO. 5266,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5272,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5284,
 SECOND SUBSTITUTE SENATE BILL NO. 5287,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5298,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5318,
 SUBSTITUTE SENATE BILL NO. 5324,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5330,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5356,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5410,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5418,
 SUBSTITUTE SENATE BILL NO. 5425,
 ENGROSSED SENATE BILL NO. 5429,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SHB 2159 by House Committee on Appropriations (originally sponsored by Ormsby)

AN ACT Relating to making expenditures from the budget stabilization account for declared catastrophic events; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

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

PERSONAL PRIVILEGE

Senator Cleveland: "Thank you Mr. President. Well, this is a particularly bittersweet point of personal privilege for me today. My legislative aide, Vickie Winters, is retiring at the end of this legislative session after twenty-seven years of unwavering service here in the Legislature, both in the House and the Senate. Vickie spent the last six of those years here with me, supporting and serving the constituents of the Forty-ninth Legislative District. Throughout the past six years, Vickie has tirelessly worked to help me be as successful as possible on behalf of the constituents of the 49th. When I am not in the office I always know that things are in good hands with Vickie. You know, when the phone rings I know whoever is calling is going to be handled professionally, handled very capably with great caring. And things get extremely busy, I know that Vickie's always going to find a way to keep things sane and, more importantly, organized – I may need a little bit of help with organization at times. Vickie has really been that stable foundation that keeps my office running smoothly and I have to share that I am going to miss her terribly. Vickie has just a huge and caring heart and she gives herself in everything that she does and I have to tell you that the people of the state of Washington have been the beneficiaries of that. Our state is losing

a very dedicated and experienced public servant who's given countless, served countless people here, and in multiple legislative districts, for decades now. So I want to just briefly share a bit of the highlights of Vickie's career here. Vickie began her career working in the House Office of Program Research in 1992 and at that time she staffed Representative Stan Fleming from the Twenty-eighth Legislative District. She, during that same period, also helped to staff Senator Keiser, then-Representative Karen Keiser at the time, and Representative Helen Sommers in the Thirty-sixth Legislative District on a part-time basis. But she went on over the next two decades to lend her skills to the Nineteenth Legislative District. First staffing Senators Syd Snyder and Mark Doumit and Brian Hatfield. Vickie has, obviously, worked for some of our most respected past leaders here in the Legislature. And you know what? As a result, she's a veteran with an unparalleled skills, institutional memory and a very deep respect for our Legislature. So, I believe Vickie's devotion to service should be a real example for all of us. In fact, I have to share, this past winter when we experienced that record snowfall, she stayed here in the office making sure that no work went left undone. I could not have asked for a better partner in the work that we've shared over the past six years. And while as I said I am going to miss her terribly, I am really excited for her to enter this really new, hard-earned, well-deserved phase of her life as a retiree. Mr. President, on behalf of myself, and on behalf of the countless Washingtonians that have been helped and served by Vickie, I just want to say, thank you. Finally, I want to end with a quote from Mr. Fred Rogers who said, 'Often, when you think you are at the end of something, you're at the beginning of something else.' So as Vickie embarks on the beginning of her something else, I hope she know that she carries with her my best wishes, our best wishes, and our sincere gratitude for her hard work and a job well done. So, thank you."

The senate rose and recognized Ms. Vickie Winters, Legislative Aide, for her years of service, who was present in the gallery.

The President announced a reception in honor of Ms. Winters in the Senate Rules Room immediately upon going at ease.

MOTION

At 12:18 p.m., the President declared the Senate to be at ease subject to the call of the President.

The Senate was called to order at 2:26 p.m. by President Habib.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8405 by Senator Liias

Amending the cutoff resolution.

Placed on 2nd Reading Calendar.

MOTION

On motion of Senator Liias, the measure listed on the Introduction and First Reading report was placed on the day's calendar as designated.

MOTION

ONE HUNDRED THIRD DAY, APRIL 26, 2019

2019 REGULAR SESSION

On motion of Senator Schoesler, Senator Ericksen was excused.

MOTION

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

MESSAGE FROM THE HOUSE

April 26, 2019

MR. PRESIDENT:

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

SUBSTITUTE HOUSE BILL NO. 1195,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1667,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2019

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5290 with the following amendment(s): 5290-S2.E AMH ENGR H2423.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that it is a goal of our state to divert juveniles who have committed status offenses, behaviors that are prohibited under law only because of an individual's status as a minor, away from the juvenile justice system because a stay in detention is a predictive factor for future criminal justice system involvement. The legislature finds that Washington has been using the valid court order exception of the juvenile justice and delinquency prevention act, a loophole in federal law allowing judges to detain status offenders for disobeying court orders, more than any other state in the country. The legislature finds that use of the valid court order exception to detain youth for acts like truancy, breaking curfew, or running away from home is counterproductive and may worsen outcomes for at-risk youth.

(2) The legislature further finds that these youth should not be confined with or treated with the same interventions as criminal offenders. The legislature also finds that studies show a disproportionality in race, gender, and socioeconomic status of youth referred to courts or detained, or both. Likewise, the legislature finds that community-based interventions are more effective at addressing underlying causes of status offenses than detention and can reduce court caseloads and lower system costs. As a result, it is the intent of the legislature to strengthen and fund community-based programs that are culturally relevant and focus on addressing disproportionality of youth of color, especially at-risk youth.

NEW SECTION. Sec. 2. A new section is added to chapter 7.21 RCW to read as follows:

(1) It is the policy of the state of Washington to eliminate the use of juvenile detention as a remedy for contempt of a valid court order for youth under chapters 13.34 and 28A.225 RCW and child in need of services petition youth under chapter 13.32A RCW. As of July 1, 2019, such youth may not be committed to juvenile detention as a contempt sanction under chapter 13.32A, 13.34, or 28A.225 RCW, and a warrant may not be issued for such youth

for failure to appear at a court hearing that requires commitment of such youth to juvenile detention.

(2)(a) It is also the policy of the state of Washington to entirely phase out the use of juvenile detention as a remedy for contempt of a valid court order for at-risk youth under chapter 13.32A RCW by July 1, 2022. After this date, at-risk youth may not be committed to juvenile detention as a contempt sanction under chapter 13.32A RCW, and a warrant may not be issued for failure to appear at a court hearing that requires commitment of the at-risk youth to juvenile detention.

(b) Until July 1, 2022, any at-risk youth committed to juvenile detention as a sanction for contempt under chapter 13.32A RCW, or for failure to appear at a court hearing under chapter 13.32A RCW, must be detained in such a manner so that no direct communication or physical contact may be made between the youth and any youth who is detained to juvenile detention pursuant to a violation of criminal law, unless these separation requirements would result in a youth being detained in solitary confinement.

(c) After July 1, 2022, at-risk youth may be committed to a secure residential program with intensive wraparound services, subject to the requirements under RCW 13.32A.250, as a remedial sanction for contempt under chapter 13.32A RCW or for failure to appear at a court hearing under chapter 13.32A RCW.

Sec. 3. RCW 7.21.030 and 2001 c 260 s 6 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e)(i) In at-risk youth petition cases only under chapter(§) 13.32A(~~(, 13.34, and 28A.225)~~) RCW and subject to the requirements under RCW 13.32A.250, commitment to juvenile detention for a period of time not to exceed ~~((seven days))~~ seventy-two hours, excluding Saturdays, Sundays, and holidays. 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. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction.

(ii) Until July 1, 2022, prior to committing any at-risk youth to juvenile detention as a sanction for contempt under chapter 13.32A RCW, or for failure to appear at a court hearing under chapter 13.32A RCW, the court must:

(A) Consider, on-the-record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;

(B) Enter written findings affirming that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;

(C) Afford the same due process considerations that it affords all youth in criminal contempt proceedings; and

(D) Seek input from all relevant parties, including the youth.

(iii) Until July 1, 2022, detention periods for at-risk youth sanctioned to juvenile detention for contempt under chapter 13.32A RCW, or for failure to appear at a court hearing under chapter 13.32A RCW, shall be:

(A) No more than seventy-two hours, regardless of the number of violations being considered at the hearing; and

(B) Limited to no more than two sanctions, up to seventy-two hours each, in any thirty-day period.

(iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250, 13.34.165, or 28A.225.090 shall be construed to limit the court's inherent contempt power or curtail its exercise.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days.

Sec. 4. RCW 7.21.030 and 2019 c ... s 3 (section 3 of this act) are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has failed or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e)(i) In at-risk youth petition cases only under chapter 13.32A RCW, and subject to the requirements under RCW 13.32A.250, commitment to ~~((juvenile detention for a period of time not to exceed seventy two hours, excluding Saturdays, Sundays, and holidays. 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. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this~~

~~chapter. This remedy is specifically determined to be a remedial sanction)) a secure residential program with intensive wraparound services.~~

(ii) ((Until) Beginning July 1, 2022, prior to committing any at-risk youth to ((juvenile detention)) a secure residential program with intensive wraparound services as a sanction for contempt under chapter 13.32A RCW, or for failure to appear at a court hearing under chapter 13.32A RCW, the court must:

(A) Consider, on-the-record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;

(B) Enter written findings affirming that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;

(C) Afford the same due process considerations that it affords all youth in criminal contempt proceedings; and

(D) Seek input from all relevant parties, including the youth.

(iii) ((Until July 1, 2022, detention periods for at-risk youth sanctioned to juvenile detention for contempt under chapter 13.32A RCW, or for failure to appear at a court hearing under chapter 13.32A RCW, shall be:

(A) No more than seventy two hours, regardless of the number of violations being considered at the hearing; and

(B) Limited to no more than two sanctions, up to seventy two hours each, in any thirty day period.

(iv)) Nothing in this subsection (2)(e) or in RCW 13.32A.250, 13.34.165, or 28A.225.090 shall be construed to limit the court's inherent contempt power or curtail its exercise.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days.

Sec. 5. RCW 13.32A.250 and 2000 c 162 s 14 are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter and the possible consequences thereof, including confinement when applicable. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party in an at-risk youth proceeding to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) For at-risk youth proceedings only:

(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

(ii) Residential and nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b)(i) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to ~~((seven days))~~ seventy-two hours, or both for contempt of court under this section if (A) one of the less restrictive alternatives under (a) of this subsection has been attempted and another violation of the order has occurred, or (B) the court issues a formal finding that none of the less restrictive alternatives is available. The seventy-two hour period excludes Saturdays, Sundays, and holidays and 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.

~~((4))~~ (ii) A child placed in confinement for contempt under this section shall be placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

~~((5))~~ (c) A child involved in a child in need of services proceeding may not be placed in confinement under this section.

(4) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

~~((6))~~ (5) For at-risk youth proceedings only, whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court must direct the court clerk to command the presence of the child by the issuance of a summons or other method approved by local court rule instead of a warrant, unless the court finds probable cause to believe that the child would not appear in response to the command or finds probable cause to believe that the arrest is necessary to prevent serious bodily harm to the juvenile or another, in which case the court may issue a warrant. A warrant of arrest must be supported by an affidavit or sworn testimony, which must be recorded electronically or by stenographer, establishing the grounds for issuing the warrant. The warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present if the child named in the warrant is a pupil at the school. The court must communicate the summons to the child through mail, telephone, text message, or other method of communication needed in order to ensure the child has received the information. If the child fails to appear via the summons or other method, the court may issue an order directing law enforcement to pick up and take the child to detention. ~~((The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.))~~

(6) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

Sec. 6. RCW 13.32A.250 and 2019 c ... s 5 (section 5 of this act) are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter and the possible consequences thereof, including confinement when applicable. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party in an at-risk youth proceeding to comply with an order entered under this chapter is a civil contempt of

court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) For at-risk youth proceedings only:

(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

(ii) Residential and nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b)(i) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement ~~((for up to seventy-two hours))~~ to a secure residential program with intensive wraparound services, or both, for contempt of court under this section if (A) one of the less restrictive alternatives under (a) of this subsection has been attempted and another violation of the order has occurred, or (B) the court issues a formal finding that none of the less restrictive alternatives is available. ~~((The seventy-two hour period excludes Saturdays, Sundays, and holidays and 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.))~~

(ii) A child placed in confinement for contempt under this section ~~((shall))~~ may be placed in ~~((confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county))~~ a secure crisis residential center as defined in RCW 13.32A.030, or any program approved by the department offering secure confinement and intensive wraparound services appropriate to the needs of the child. The child may not be placed in a detention facility as defined in RCW 13.40.020. Secure residential programs with intensive wraparound services as used in this section may be defined as secure juvenile correctional facilities for the purposes of federal law only.

(c) A child involved in a child in need of services proceeding may not be placed in confinement under this section.

(4) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(5) For at-risk youth proceedings only, whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court must direct the court clerk to command the presence of the child by the issuance of a summons or other method approved by local court rule instead of a warrant, unless the court finds probable cause to believe that the child would not appear in response to the command or finds probable cause to believe that the arrest is necessary to prevent serious bodily harm to the juvenile or another, in which case the court may issue a warrant. A warrant of arrest must be supported by an affidavit or sworn testimony, which must be recorded electronically or by stenographer, establishing the grounds for issuing the warrant. The warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present if the child named in the warrant is a pupil at the school. The court must communicate the summons to the child through mail, telephone, text message, or other method of communication needed in order to ensure the child has received the information. If the child fails to appear via the summons or other method, the court may issue an order directing law enforcement to pick up and take the child to detention.

(6) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

Sec. 7. RCW 13.32A.150 and 2000 c 123 s 17 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the juvenile court shall not accept the filing of a child in need of services petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that the department has completed a family assessment. The family assessment shall involve the multidisciplinary team if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. ~~((If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under RCW 13.32A.191.))~~

(2) A child or a child's parent may file with the juvenile court a child in need of services petition to approve an out-of-home placement for the child before completion of a family assessment. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition must be filed in the county where the parent resides. The petition shall allege that the child is a child in need of services and shall ask only that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an out-of-home placement under this chapter.

(3) A petition may not be filed if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 8. RCW 13.34.165 and 2000 c 122 s 21 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is civil contempt of court as provided in RCW 7.21.030(2)((~~e~~)).

~~(2) ((The maximum term of confinement that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to seven days.~~

~~(3) A child held for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.~~

~~(4)) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.~~

~~((~~5~~)) (3)(a) Subject to (b) of this subsection, whenever the court finds probable cause to believe, based upon consideration of a motion ((for contempt)) and the information set forth in a supporting declaration, that a child ((has violated a placement order entered under this chapter)) is missing from care, the court may issue an order directing law enforcement to pick up and ((take)) return the child to ((detention)) department custody. ~~((The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.))~~~~

(b) If the department is notified of the child's whereabouts and authorizes the child's location, the court must withdraw the order directing law enforcement to pick up and return the child to department custody.

(4) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

Sec. 9. RCW 28A.225.090 and 2017 c 291 s 5 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

~~(2)((~~a~~))~~ If the child fails to comply with the court order, the court may impose:

~~((~~1~~))~~ (a) Community restitution;

~~((~~2~~))~~ (b) Nonresidential programs with intensive wraparound services;

~~((~~3~~))~~ (c) A requirement that the child meet with a mentor for a specified number of times; or

~~((~~4~~))~~ (d) Other services and interventions that the court deems appropriate.

~~((~~b~~))~~ If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(c). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be

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~~served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.))~~

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

~~(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may ((order the child to be subject to detention, as provided in RCW 7.21.030(2)(c), or may)) impose alternatives to detention ((such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW)) consistent with best practice models for reengagement with school.~~

(5) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 10. RCW 43.185C.260 and 2018 c 58 s 61 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement(~~or~~

~~(d) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued under this chapter or chapter 13.34 RCW or that the court has issued an order for law enforcement pick up of the child under this chapter or chapter 13.34 RCW)).~~

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not

complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of children, youth, and families with a copy of the officer's report if the youth is in the care of or receiving services from the department of children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) No child may be placed in a secure facility except as provided in this chapter.

Sec. 11. RCW 43.185C.265 and 2015 c 69 s 14 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 43.185C.260(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department of ~~((social and health services))~~ children, youth, and families, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance if:

(i) The child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of abuse or neglect;

(ii) It is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) There is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, request the department of ~~((social and health services))~~ children, youth, and families to accept custody of the child. If the department of ~~((social and health services))~~ children, youth, and families determines that an appropriate placement is currently available, the department of ~~((social and health services))~~

children, youth, and families shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department of ~~((social and health services))~~ children, youth, and families may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department of ~~((social and health services))~~ children, youth, and families' custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department of ~~((social and health services))~~ children, youth, and families declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; or a licensed youth shelter. The officer shall immediately notify the department of ~~((social and health services))~~ children, youth, and families if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 43.185C.260(1)(c) ~~((or (d)))~~ shall inform the child of the reason for custody. An officer taking a child into custody under RCW 43.185C.260(1)(c) may release the child to the supervising agency, may return the child to the placement authorized by the supervising agency, or shall take the child to a designated crisis residential ~~((center's secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 43.185C.260(1)(d) may place the child in a juvenile detention facility as provided in RCW 43.185C.270 or a secure facility, except that the child shall be taken to detention whenever the officer has been notified that a juvenile court has entered a detention order under this chapter or chapter 13.34 RCW))~~ center.

(3) Every officer taking a child into custody shall provide the child and his or her parent or parents or responsible adult with a copy of the statement specified in RCW 43.185C.290(6).

(4) Whenever an officer transfers custody of a child to a crisis residential center or the department of ~~((social and health services))~~ children, youth, and families, the child may reside in the crisis residential center or may be placed by the department of ~~((social and health services))~~ children, youth, and families in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed, or an order for placement has been entered under chapter 13.34 RCW.

(5) The department of ~~((social and health services))~~ children, youth, and families shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their jurisdiction, where children taken into custody under RCW 43.185C.260 may be taken.

Sec. 12. RCW 2.56.032 and 2016 c 205 s 19 are each amended to read as follows:

(1)(a) To accurately track the extent to which courts order youth into a secure detention facility in Washington state for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition, all juvenile courts shall transmit youth-level secure detention data to the administrative office of the courts.

(b) Data may either be entered into the statewide management information system for juvenile courts or securely transmitted to

the administrative office of the courts at least monthly. Juvenile courts shall provide, at a minimum, the name and date of birth for the youth, the court case number assigned to the petition, the reasons for admission to the juvenile detention facility, the date of admission, the date of exit, and the time the youth spent in secure confinement.

(c) Courts are also encouraged to report individual-level data reflecting whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives.

(d) The administrative office of the courts and the juvenile court administrators must work to develop uniform data standards for detention.

(2) The administrative office of the courts shall deliver an annual statewide report to the legislature that details the number of Washington youth who are placed into detention facilities during the preceding calendar year. The first report shall be delivered by March 1, 2017, and shall detail the most serious reason for detention and youth gender, race, and ethnicity. The report must have a specific emphasis on youth who are detained for reasons relating to a truancy, at-risk youth, or a child in need of services petition. The report must:

(a) Consider the written findings described in RCW 7.21.030(2)(e)(ii)(B), and provide an analysis of the rationale and evidence used and the less restrictive options considered;

(b) Monitor the utilization of alternatives to detention;

(c) Track trends in the use of at-risk youth petitions;

(d) Beginning July 1, 2022, track trends in the use of secure residential programs with intensive wraparound services; and

(e) Track the race and gender of youth with at-risk petitions.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1)RCW 43.185C.270 (Youth services—Officer taking child into custody—Placing in detention—Detention review hearing—Hearing on contempt) and 2015 c 69 s 15; and

(2)1998 c 296 s 35 (uncodified).

NEW SECTION. Sec. 14. Except for sections 4 and 6 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019.

NEW SECTION. Sec. 15. Sections 4 and 6 of this act take effect July 1, 2022."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5290.

Senators Darneille, Salomon, Conway, Carlyle, Kuderer, Lovelett and Dhingra spoke in favor of the motion.

Senators Walsh, Padden, Schoesler, O'Ban, Holy, Honeyford, Braun, Rivers, Fortunato, Sheldon, Becker and Short spoke against the motion.

Senator Short demanded a roll call.

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

Senator Wellman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House

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amendment(s) to Engrossed Second Substitute Senate Bill No. 5290.

Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C. and Zeiger

ROLL CALL

The Secretary called the roll on the motion by Senator Darneille that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5290, and the motion did not carry by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting nay: Senators Bailey, Becker, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Rivers, Schoesler, Short, Warnick and Wilson, L.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Froctt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Wellman and Wilson, C.

SENATE BILL NO. 5360, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

PERSONAL PRIVILEGE

The motion to concur having failed to receive a majority, the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5290 and asked the House to recede therefrom.

Senator Sheldon: "Mr. President, I rise to recognize our amazing Deputy Director of Security, Mike Burt, sitting up at the rostrum with you. Mike will be retiring at the end of June. I am not going to embarrass him, because we are great friends, but I do want to draw your attention to all the help that Mike and Andy give us here in Security. Mike started here with us in 2009 and was hired in 2010 as the Deputy Director of Senate Security. I have known Mike for a long long time. He was a Washington State Patrol Trooper. He also taught driving at the Washington State Patrol Academy. He was one of their driving instructors, where all our law enforcement go to learn how to handle difficult situations at high speeds. It's amazing what they do out there but Mike was part of that team for a long, long time. He also was an investigator for the Gambling Commission. So, don't ever play any poker with Mike. He is very good. But, one thing, Mr. President, on our desks, and if I might have permission to read, is a small card, and we all have this. I carry this very close to me and it says, "During session, Senate Security is available 24 hours a day, seven days a week, to assist you." And there is the number of the Senate Security control room, which is all of those individuals that help us so much here to stay safe and to help us with all of those issues we have. The two managers are listed, Andy Staubitz and Mike Burt, and there is their personal phone number, their personal cell number. So, they do an amazing job for us. Mike, we will miss you so much. I know you are going off to great horizons with your wife Jeri in June, and Mike is a Mason County resident. He is going to spend some time traveling I'm sure, but he is one of the finest people I have met. And I really appreciate you Mike. I'll miss you a lot."

MESSAGE FROM THE HOUSE

April 16, 2019

MR. PRESIDENT:

The House passed SENATE BILL NO. 5360 with the following amendment(s): 5360 AMH ROBI PRIN 623

- On page 1, line 16, after "1," strike "2019" and insert "2020"
- On page 1, line 18, after "1," strike "2019" and insert "2020"
- On page 2, line 34, after "1," strike "2019" and insert "2020"
- On page 2, line 36, after "1," strike "2019" and insert "2020"
- On page 3, line 35, after "1," strike "2019" and insert "2020"
- On page 3, line 36, after "July 1," strike "2019" and insert "2020"
- On page 3, line 39, after "1," strike "2019" and insert "2020"

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Senate Bill No. 5360.

Senator Conway spoke in favor of the motion.

Senators Bailey and Schoesler spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Senate Bill No. 5360.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5360 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5360, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5360, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Froctt, Hasegawa, Hawkins,

REMARKS BY THE PRESIDENT

President Habib: "We are so fortunate to have Mike in service these past ten years in our state and for our Senate. I hope you all realize how much these individuals, particularly Andy and Mike, but all the folks who work here during session and year round, how much they care about you. How much they care about your safety, your well-being, and they work, I mean last night we were here until midnight. They take care of our galleries, our wings, your offices, committee rooms, my office and the Rules Room from time to time, and all of these things they do it with tremendous class and dignity and respect. They elevate us and make this Senate Chamber worthy of its name and Mike is absolutely exemplary of that himself, both through this job and his previous service in law enforcement. We are just going to miss him and he is always welcome back in the galleries, in the wings, even on the floor if you want to come but we just absolutely send you our love and our gratitude. Will the Senate please join me in thanking our friend, Mike Burt, for his years of service?"

The senate rose and recognized Mr. Mike Burt, Deputy Director, Senate Security, for his years of dedicated service to the senate.

MESSAGE FROM THE HOUSE

April 25, 2019

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5602. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5602-S2 AMH MACR H3086.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares:

(1) It is the public policy of this state to provide the maximum access to reproductive health care and reproductive health care coverage for all people in Washington state.

(2) In 2018, the legislature passed Substitute Senate Bill No. 6219. Along with reproductive health care coverage requirements, the bill mandated a literature review of barriers to reproductive health care. As documented by the report submitted to the legislature on January 1, 2019, young people, immigrants, people living in rural communities, transgender and gender nonconforming people, and people of color still face significant barriers to getting the reproductive health care they need.

(3) Washingtonians who are transgender and gender nonconforming have important reproductive health care needs as well. These needs go unmet when, in the process of seeking care, transgender and gender nonconforming people are stigmatized or are denied critical health services because of their gender identity or expression.

(4) The literature review mandated by Substitute Senate Bill No. 6219 found that, "[a]ccording to 2015 U.S. Transgender Survey data, thirty-two percent of transgender respondents in Washington State reported that in the previous year they did not see a doctor when needed because they could not afford it."

(5) Existing state law should be enhanced to ensure greater coverage of and timely access to reproductive health care for the benefit of all Washingtonians, regardless of gender identity or expression.

(6) Because stigma is also a key barrier to access to reproductive health care, all Washingtonians, regardless of gender identity, should be free from discrimination in the provision of health care services, health care plan coverage, and in access to publicly funded health coverage.

(7) All people should have access to robust reproductive health services to maintain and improve their reproductive health.

NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) In the provision of reproductive health care services through programs under this chapter, the authority, managed care plans, and providers that administer or deliver such services may not discriminate in the delivery of a service provided through a program of the authority based on the covered person's gender identity or expression.

(2) The authority and any managed care plans delivering or administering services purchased or contracted for by the authority, may not issue automatic initial denials of coverage for reproductive health care services that are ordinarily or exclusively

available to individuals of one gender, based on the fact that the individual's gender assigned at birth, gender identity, or gender otherwise recorded in one or more government-issued documents, is different from the one to which such health services are ordinarily or exclusively available.

(3) Denials as described in subsection (2) of this section are prohibited discrimination under chapter 49.60 RCW.

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

(a) "Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's gender assigned at birth.

(b) "Gender identity" means a person's internal sense of the person's own gender, regardless of the person's gender assigned at birth.

(c) "Reproductive health care services" means any medical services or treatments, including pharmaceutical and preventive care service or treatments, directly involved in the reproductive system and its processes, functions, and organs involved in reproduction, in all stages of life. Reproductive health care services does not include infertility treatment.

(d) "Reproductive system" includes, but is not limited to: Genitals, gonads, the uterus, ovaries, fallopian tubes, and breasts.

(5) This section must not be construed to authorize discrimination on the basis of a covered person's gender identity or expression in the administration of any other medical assistance programs administered by the authority.

Sec. 3. RCW 48.43.072 and 2018 c 119 s 2 are each amended to read as follows:

(1) A health plan (~~issued or renewed on or after January 1, 2019~~) or student health plan, including student health plans deemed by the insurance commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, shall provide coverage for:

(a) All contraceptive drugs, devices, and other products, approved by the federal food and drug administration, including over-the-counter contraceptive drugs, devices, and products, approved by the federal food and drug administration. This includes condoms, regardless of the gender or sexual orientation of the covered person, and regardless of whether they are to be used for contraception or exclusively for the prevention of sexually transmitted infections;

(b) Voluntary sterilization procedures;

(c) The consultations, examinations, procedures, and medical services that are necessary to prescribe, dispense, insert, deliver, distribute, administer, or remove the drugs, devices, and other products or services in (a) and (b) of this subsection((-);

(d) The following preventive services:

(i) Screening for physical, mental, sexual, and reproductive health care needs that arise from a sexual assault; and

(ii) Well-person preventive visits;

(e) Medically necessary services and prescription medications for the treatment of physical, mental, sexual, and reproductive health care needs that arise from a sexual assault; and

(f) The following reproductive health-related over-the-counter drugs and products approved by the federal food and drug administration: Prenatal vitamins for pregnant persons; and breast pumps for covered persons expecting the birth or adoption of a child.

(2) The coverage required by subsection (1) of this section:

(a) May not require copayments, deductibles, or other forms of cost sharing((-);

(i) Except for:

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(A) The medically necessary services and prescription medications required by subsection (1)(e) of this section; and

(B) The drugs and products in subsection (1)(f) of this section; or

(ii) Unless the health plan is offered as a qualifying health plan for a health savings account. For such a qualifying health plan, the carrier must establish the plan's cost sharing for the coverage required by subsection (1) of this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from ((his or her)) the enrollee's health savings account under internal revenue service laws and regulations; and

(b) May not require a prescription to trigger coverage of over-the-counter contraceptive drugs, devices, and products, approved by the federal food and drug administration, except those reproductive health related drugs and products as set forth in subsection (1)(f) of this section.

(3) A health carrier may not deny the coverage required in subsection (1) of this section because an enrollee changed ((his or her)) the enrollee's contraceptive method within a twelve-month period.

(4) Except as otherwise authorized under this section, a health benefit plan may not impose any restrictions or delays on the coverage required under this section, such as medical management techniques that limit enrollee choice in accessing the full range of contraceptive drugs, devices, or other products, approved by the federal food and drug administration.

(5) Benefits provided under this section must be extended to all enrollees, enrolled spouses, and enrolled dependents.

(6) This section may not be construed to allow for denial of care on the basis of race, color, national origin, sex, sexual orientation, gender expression or identity, marital status, age, citizenship, immigration status, or disability.

(7) A health plan or student health plan, including student health plans deemed by the insurance commissioner to have a short-term limited purpose or duration or to be guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, issued or renewed on or after January 1, 2021, may not issue automatic initial denials of coverage for reproductive health care services that are ordinarily or exclusively available to individuals of one gender, based on the fact that the individual's gender assigned at birth, gender identity, or gender otherwise recorded in one or more government-issued documents, is different from the one to which such health services are ordinarily or exclusively available.

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

(a) "Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's gender assigned at birth.

(b) "Gender identity" means a person's internal sense of the person's own gender, regardless of the person's gender assigned at birth.

(c) "Reproductive health care services" means any medical services or treatments, including pharmaceutical and preventive care service or treatments, directly involved in the reproductive system and its processes, functions, and organs involved in reproduction, in all stages of life. Reproductive health care services does not include infertility treatment.

(d) "Reproductive system" includes, but is not limited to: Genitals, gonads, the uterus, ovaries, fallopian tubes, and breasts.

(e) "Well-person preventive visits" means the preventive annual visits recommended by the federal health resources and services administration women's preventive services guidelines,

with the understanding that those visits must be covered for women, and when medically appropriate, for transgender, nonbinary, and intersex individuals.

(9) This section may not be construed to authorize discrimination on the basis of gender identity or expression, or perceived gender identity or expression, in the provision of nonreproductive health care services.

(10) The commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW shall share enforcement authority over complaints of discrimination under this section as set forth in RCW 49.60.178.

(11) The commissioner may adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 70.41 RCW to read as follows:

(1) By September 1, 2019, every hospital must submit to the department its policies related to access to care regarding:

- (a) Admission;
- (b) Nondiscrimination; and
- (c) Reproductive health care.

(2) The department shall post a copy of the policies received under subsection (1) of this section on its web site.

(3) If a hospital makes changes to any of the policies listed under subsection (1) of this section, it must submit a copy of the changed policy to the department within thirty days after the hospital approves the changes.

(4) A hospital must post a copy of the policies provided to the department under subsection (1) of this section and the form required under subsection (5) of this section to the hospital's own web site in a location where the policies are readily accessible to the public without a required login or other restriction.

(5) By September 1, 2019, the department shall, in consultation with stakeholders including a hospital association and patient advocacy groups, develop a simple and clear form to be submitted by hospitals along with the policies required in subsection (1) of this section. The form must provide the public with specific information about which reproductive health care services are and are not generally available at each hospital. The form must include contact information for the hospital in case patients have specific questions about services available at the hospital.

NEW SECTION. Sec. 5. A new section is added to chapter 48.43 RCW to read as follows:

(1) The legislature intends to codify the state's current practice of requiring health carriers to bill enrollees with a single invoice and to segregate into a separate account the premium attributable to abortion services for which federal funding is prohibited. Washington has achieved full compliance with section 1303 of the federal patient protection and affordable care act by requiring health carriers to submit a single invoice to enrollees and to segregate into a separate account the premium amounts attributable to coverage of abortion services for which federal funding is prohibited. Further, section 1303 states that the act does not preempt or otherwise have any effect on state laws regarding the prohibition of, or requirement of, coverage, funding, or procedural requirements on abortions.

(2) In accordance with RCW 48.43.073 related to requirements for coverage and funding of abortion services, an issuer offering a qualified health plan must:

(a) Bill enrollees and collect payment through a single invoice that includes all benefits and services covered by the qualified health plan; and

(b) Include in the segregation plan required under applicable federal and state law a certification that the issuer's billing and payment processes meet the requirements of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 70.250 RCW to read as follows:

(1) No later than January 1, 2020, the collaborative shall begin a review to identify, define, and endorse guidelines for the provision of high quality sexual and reproductive health services in clinical settings throughout Washington. This shall include the development of specific clinical recommendations to improve sexual and reproductive health care for:

- (a) People of color;
- (b) Immigrants and refugees;
- (c) Victims and survivors of violence; and
- (d) People with disabilities.

(2) The collaborative shall conduct its review consistent with the activities, processes, and reporting standards specified in RCW 70.250.050. In conducting its review, the collaborative shall apply a whole-person framework to develop evidence-based, culturally sensitive recommendations to improve standards of care and health equity.

(3) By December 15, 2020, the collaborative, through the authority, shall provide a status report to the committees of the legislature with jurisdiction over matters related to health care and to the governor.

NEW SECTION. Sec. 7. The department of health shall develop recommendations for increasing awareness about financial support that is available for preexposure and postexposure prophylaxis. The department of health shall consult with the state board of health, the health care authority, and the health benefit exchange in developing its recommendation related to outreach and education to affected populations. By December 1, 2019, the department of health shall provide its recommendations to the appropriate committees of the legislature.

NEW SECTION. Sec. 8. This act may be known and cited as the reproductive health care access for all act.

NEW SECTION. Sec. 9. (1) Section 2 of this act takes effect January 1, 2020.

(2) Section 3 of this act takes effect January 1, 2021.

NEW SECTION. Sec. 10. Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Randall moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5602.

Senators Randall and O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Randall that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5602.

The motion by Senator Randall carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5602 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5602, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5602, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liiias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson, L. and Zeiger

SECOND SUBSTITUTE SENATE BILL NO. 5602, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2019

MR. PRESIDENT:

The House receded from its amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5604. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5604-S2 AMH JINK H3089.3, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"ARTICLE 1 GENERAL PROVISIONS

NEW SECTION. Sec. 101. SHORT TITLE. This chapter may be cited as the uniform guardianship, conservatorship, and other protective arrangements act.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual at least eighteen years of age or an emancipated individual under eighteen years of age.

(2) "Adult subject to conservatorship" means an adult for whom a conservator has been appointed under this chapter.

(3) "Adult subject to guardianship" means an adult for whom a guardian has been appointed under this chapter.

(4) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort, or otherwise.

(5) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship. The term includes a co-conservator.

(6) "Conservatorship estate" means the property subject to conservatorship under this chapter.

(7) "Evaluation and treatment facility" has the same meaning as provided in RCW 71.05.020.

(8) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this chapter.

(9) "Full guardianship" means a guardianship that grants the guardian all powers available under this chapter.

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(10) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual. The term includes a co-guardian but does not include a guardian ad litem.

(11) "Guardian ad litem" means a person appointed to inform the court about, and to represent, the needs and best interests of an individual.

(12) "Individual subject to conservatorship" means an adult or minor for whom a conservator has been appointed under this chapter.

(13) "Individual subject to guardianship" means an adult or minor for whom a guardian has been appointed under this chapter.

(14) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. The term includes supported decision making, appropriate technological assistance, appointment of a representative payee, and appointment of an agent by the individual, including appointment under a power of attorney for health care or power of attorney for finances.

(15) "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act.

(16) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this chapter, grants powers over only certain property, or otherwise restricts the powers of the conservator.

(17) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this chapter or otherwise restricts the powers of the guardian.

(18) "Long-term care facility" has the same meaning as provided in RCW 70.129.010.

(19) "Minor" means an unemancipated individual under eighteen years of age.

(20) "Minor subject to conservatorship" means a minor for whom a conservator has been appointed under this chapter.

(21) "Minor subject to guardianship" means a minor for whom a guardian has been appointed under this chapter.

(22) "Parent" does not include an individual whose parental rights have been terminated.

(23) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(24) "Professional guardian or conservator" means a guardian or conservator appointed under this chapter who is not a relative of the person subject to guardianship or conservatorship established under this chapter and who charges fees for carrying out the duties of court-appointed guardian or conservator for three or more persons.

(25) "Property" includes tangible and intangible property.

(26) "Protective arrangement instead of conservatorship" means a court order entered under section 503 of this act.

(27) "Protective arrangement instead of guardianship" means a court order entered under section 502 of this act.

(28) "Protective arrangement under article 5 of this chapter" means a court order entered under section 502 or 503 of this act.

(29) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(30) "Relative" means any person related by blood or by law to the person subject to guardianship, conservatorship, or other protective arrangements.

(31) "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought.

(32) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(33) "Special agent" means the person appointed by the court pursuant to section 404 or 512 of this act.

(34) "Standby guardian" means a person appointed by the court under section 208 of this act.

(35) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

(36) "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual's wishes.

(37) "Verified receipt" is a verified receipt signed by the custodian of funds stating that a savings and loan association or bank, trust company, escrow corporation, or other corporations approved by the court hold the cash or securities of the individual subject to conservatorship subject to withdrawal only by order of the court.

(38) "Visitor" means the person appointed by the court pursuant to section 304(1) or 405(1) of this act.

NEW SECTION. Sec. 103. SUPPLEMENTAL PRINCIPLES OF LAW AND EQUITY APPLICABLE. Unless displaced by a particular provision of this chapter, the principles of law and equity supplement its provisions.

NEW SECTION. Sec. 104. SUBJECT MATTER JURISDICTION. (1) Except to the extent jurisdiction is precluded by the uniform child custody jurisdiction and enforcement act (chapter 26.27 RCW), the superior court of each county has jurisdiction over a guardianship for a minor domiciled or present in this state. The court has jurisdiction over a conservatorship or protective arrangement instead of conservatorship for a minor domiciled or having property in this state.

(2) The superior court of each county has jurisdiction over a guardianship, conservatorship, or protective arrangement under article 5 of this chapter for an adult as provided in the uniform adult guardianship and protective proceedings jurisdiction act (chapter 11.90 RCW).

(3) After notice is given in a proceeding for a guardianship, conservatorship, or protective arrangement under article 5 of this chapter and until termination of the proceeding, the court in which the petition is filed has:

(a) Exclusive jurisdiction to determine the need for the guardianship, conservatorship, or protective arrangement;

(b) Exclusive jurisdiction to determine how property of the respondent must be managed, expended, or distributed to or for the use of the respondent, an individual who is dependent in fact on the respondent, or other claimant;

(c) Nonexclusive jurisdiction to determine the validity of a claim against the respondent or property of the respondent or a question of title concerning the property; and

(d) If a guardian or conservator is appointed, exclusive jurisdiction over issues related to administration of the guardianship or conservatorship.

(4) A court that appoints a guardian or conservator, or authorizes a protective arrangement under article 5 of this chapter,

has exclusive and continuing jurisdiction over the proceeding until the court terminates the proceeding or the appointment or protective arrangement expires by its terms.

NEW SECTION. Sec. 105. TRANSFER OF PROCEEDING. (1) This section does not apply to a guardianship or conservatorship for an adult that is subject to the transfer provisions of the uniform adult guardianship and protective proceedings jurisdiction act (chapter 11.90 RCW).

(2) After appointment of a guardian or conservator, the court that made the appointment may transfer the proceeding to a court in another county in this state or another state if transfer is in the best interest of the individual subject to the guardianship or conservatorship.

(3) If a proceeding for a guardianship or conservatorship is pending in another state or a foreign country and a petition for guardianship or conservatorship for the same individual is filed in a court in this state, the court shall notify the court in the other state or foreign country and, after consultation with that court, assume or decline jurisdiction, whichever is in the best interest of the respondent.

(4) A guardian or conservator appointed in another state or country may petition the court for appointment as a guardian or conservator in this state for the same individual if jurisdiction in this state is or will be established. The appointment may be made on proof of appointment in the other state or foreign country and presentation of a certified copy of the part of the court record in the other state or country specified by the court in this state.

(5) Notice of hearing on a petition under subsection (4) of this section, together with a copy of the petition, must be given to the respondent, if the respondent is at least twelve years of age at the time of the hearing, and to the persons that would be entitled to notice if the procedures for appointment of a guardian or conservator under this chapter were applicable. The court shall make the appointment unless it determines the appointment would not be in the best interest of the respondent.

(6) Not later than fourteen days after appointment under subsection (5) of this section, the guardian or conservator shall give a copy of the order of appointment to the individual subject to guardianship or conservatorship, if the individual is at least twelve years of age, and to all persons given notice of the hearing on the petition.

NEW SECTION. Sec. 106. VENUE. (1) Venue for a guardianship proceeding for a minor is in:

(a) The county in which the minor resides or is present at the time the proceeding commences; or

(b) The county in which another proceeding concerning the custody or parental rights of the minor is pending.

(2) Venue for a guardianship proceeding or protective arrangement instead of guardianship for an adult is in:

(a) The county in which the respondent resides;

(b) If the respondent has been admitted to an institution by court order, the county in which the court is located; or

(c) If the proceeding is for appointment of an emergency guardian for an adult, the county in which the respondent is present.

(3) Venue for a conservatorship proceeding or protective arrangement instead of conservatorship is in:

(a) The county in which the respondent resides, whether or not a guardian has been appointed in another county or other jurisdiction; or

(b) If the respondent does not reside in this state, in any county in which property of the respondent is located.

(4) If proceedings under this chapter are brought in more than one county, the court of the county in which the first proceeding

is brought has the exclusive right to proceed unless the court determines venue is properly in another court or the interest of justice otherwise requires transfer of the proceeding.

NEW SECTION. Sec. 107. PRACTICE IN COURT. (1) Except as otherwise provided in this chapter, the rules of evidence and civil procedure, including rules concerning appellate review, govern a proceeding under this chapter.

(2) If proceedings for a guardianship, conservatorship, or protective arrangement under article 5 of this chapter for the same individual are commenced or pending in the same court, the proceedings may be consolidated.

(3) A respondent may demand a jury trial in a proceeding under this chapter on the issue whether a basis exists for appointment of a guardian or conservator.

NEW SECTION. Sec. 108. LETTERS OF OFFICE. (1) The court shall issue letters of guardianship to a guardian on filing by the guardian of an acceptance of appointment.

(2) The court shall issue letters of conservatorship to a conservator on filing by the conservator of an acceptance of appointment and filing of any required bond or compliance with any other verified receipt required by the court.

(3) Limitations on the powers of a guardian or conservator or on the property subject to conservatorship must be stated on the letters of office.

(4) The court at any time may limit the powers conferred on a guardian or conservator. The court shall issue new letters of office to reflect the limitation.

(5) A guardian or conservator may not act on behalf of a person under guardianship or conservatorship without valid letters of office.

(6) The clerk of the superior court shall issue letters of guardianship or conservatorship in or substantially in the same form as set forth in section 605 of this act.

(7) This chapter does not affect the validity of letters of office issued under chapter 11.88 RCW prior to the effective date of this section.

NEW SECTION. Sec. 109. EFFECT OF ACCEPTANCE OF APPOINTMENT. On acceptance of appointment, a guardian or conservator submits to personal jurisdiction of the court in this state in any proceeding relating to the guardianship or conservatorship.

NEW SECTION. Sec. 110. CO-GUARDIAN—CO-CONSERVATOR. (1) The court at any time may appoint a co-guardian or co-conservator to serve immediately or when a designated event occurs.

(2) A co-guardian or co-conservator appointed to serve immediately may act when that co-guardian or co-conservator complies with section 108 of this act.

(3) A co-guardian or co-conservator appointed to serve when a designated event occurs may act when:

(a) The event occurs; and

(b) That co-guardian or co-conservator complies with section 108 of this act.

(4) Unless an order of appointment under subsection (1) of this section or subsequent order states otherwise, co-guardians or co-conservators shall make decisions jointly.

NEW SECTION. Sec. 111. JUDICIAL APPOINTMENT OF SUCCESSOR GUARDIAN OR SUCCESSOR CONSERVATOR. (1) The court at any time may appoint a successor guardian or successor conservator to serve immediately or when a designated event occurs.

(2) A person entitled under section 202 or 302 of this act to petition the court to appoint a guardian may petition the court to

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appoint a successor guardian. A person entitled under section 402 of this act to petition the court to appoint a conservator may petition the court to appoint a successor conservator.

(3) A successor guardian or successor conservator appointed to serve when a designated event occurs may act as guardian or conservator when:

- (a) The event occurs; and
 - (b) The successor complies with section 108 of this act.
- (4) A successor guardian or successor conservator has the predecessor's powers unless otherwise provided by the court.

NEW SECTION. Sec. 112. EFFECT OF DEATH, REMOVAL, OR RESIGNATION OF GUARDIAN OR CONSERVATOR. (1) Appointment of a guardian or conservator terminates on the death or removal of the guardian or conservator, or when the court under subsection (2) of this section approves a resignation of the guardian or conservator.

(2) A guardian or conservator must petition the court to resign. The petition may include a request that the court appoint a successor. Resignation of a guardian or conservator is effective on the date the resignation is approved by the court.

(3) Death, removal, or resignation of a guardian or conservator does not affect liability for a previous act or the obligation to account for:

- (a) An action taken on behalf of the individual subject to guardianship or conservatorship; or
- (b) The individual's funds or other property.

NEW SECTION. Sec. 113. NOTICE OF HEARING GENERALLY. (1) Except as otherwise provided in sections 203, 208, 303, 403, and 505 of this act, if notice of a hearing under this chapter is required, the movant shall give notice of the date, time, and place of the hearing to the person to be notified unless otherwise ordered by the court for good cause. Except as otherwise provided in this chapter, notice must be given in compliance with the local superior court's rule of civil procedure at least fourteen days before the hearing.

(2) Proof of notice of a hearing under this chapter must be made before or at the hearing and filed in the proceeding.

(3) Notice of a hearing under this chapter must be in at least sixteen-point font, in plain language, and, to the extent feasible, in a language in which the person to be notified is proficient.

NEW SECTION. Sec. 114. WAIVER OF NOTICE. (1) Except as otherwise provided in subsection (2) of this section, a person may waive notice under this chapter in a record signed by the person or person's attorney and filed in the proceeding.

(2) A respondent, individual subject to guardianship, individual subject to conservatorship, or individual subject to a protective arrangement under article 5 of this chapter may not waive notice under this chapter.

NEW SECTION. Sec. 115. GUARDIAN AD LITEM. The court at any time may appoint a guardian ad litem for an individual if the court determines the individual's interest otherwise would not be adequately represented. If no conflict of interest exists, a guardian ad litem may be appointed to represent multiple individuals or interests. The guardian ad litem may not be the same individual as the attorney representing the respondent. The court shall state the duties of the guardian ad litem and the reasons for the appointment.

NEW SECTION. Sec. 116. REQUEST FOR NOTICE. (1) A person may file with the court a request for notice under this chapter if the person is:

- (a) Not otherwise entitled to notice; and

(b) Interested in the welfare of a respondent, individual subject to guardianship or conservatorship, or individual subject to a protective arrangement under article 5 of this chapter.

(2) A request under subsection (1) of this section must include a statement showing the interest of the person making the request and the address of the person or an attorney for the person to whom notice is to be given.

(3) If the court approves a request under subsection (1) of this section, the court shall give notice of the approval to the guardian or conservator, if one has been appointed, or the respondent if no guardian or conservator has been appointed.

NEW SECTION. Sec. 117. DISCLOSURE OF BANKRUPTCY OR CRIMINAL HISTORY. (1) Before accepting appointment as a guardian or conservator, a person shall disclose to the court whether the person:

(a) Is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding;

(b) Has been convicted of:

- (i) A felony;
- (ii) A crime involving dishonesty, neglect, violence, or use of physical force; or

(iii) Other crimes relevant to the functions the individual would assume as guardian or conservator; or

(c) Has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business.

(2) A guardian or conservator that engages or anticipates engaging an agent the guardian or conservator knows has been convicted of a felony, a crime involving dishonesty, neglect, violence, or use of physical force, or other crimes relevant to the functions the agent is being engaged to perform promptly shall disclose that knowledge to the court.

(3) If a conservator engages or anticipates engaging an agent to manage finances of the individual subject to conservatorship and knows the agent is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding, the conservator promptly shall disclose that knowledge to the court.

(4) If a guardian or conservator that engages or anticipates engaging an agent and knows the agent has any court finding of a breach of fiduciary duty or a violation of any state's consumer protection act, or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of any business, the guardian or conservator promptly shall disclose that knowledge to the court.

NEW SECTION. Sec. 118. QUALIFICATIONS. (1) Any suitable person over the age of twenty-one years, or any parent under the age of twenty-one years or, if the petition is for appointment of a professional guardian or conservator, any individual or guardianship or conservatorship service that meets any certification requirements established by the administrator for the courts, may, if not otherwise disqualified, be appointed guardian or conservator of a person subject to guardianship, conservatorship, or both. A financial institution subject to the jurisdiction of the department of financial institutions and authorized to exercise trust powers, and a federally chartered financial institution when authorized to do so, may be appointed to act as a guardian or conservator of a person subject to guardianship, conservatorship, or both without having to meet the certification requirements established by the administrator for the courts. No person is qualified to serve as a guardian or conservator who is:

- (a) Under eighteen years of age except as otherwise provided herein;

(b)(i) Except as provided otherwise in (b)(ii) of this subsection, convicted of a crime involving dishonesty, neglect, or use of physical force or other crime relevant to the functions the individual would assume as guardian;

(ii) A court may, upon consideration of the facts, find that a relative convicted of a crime is qualified to serve as a guardian or conservator;

(c) A nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate and caused such appointment to be filed with the court;

(d) A corporation not authorized to act as a fiduciary, guardian, or conservator in the state;

(e) A person whom the court finds unsuitable.

(2) If a guardian, or conservator is not a certified professional guardian, conservator, or financial institution authorized under this section, the guardian or conservator must complete any standardized training video or web cast for lay guardians or conservators made available by the administrative office of the courts and the superior court where the petition is filed unless granted a waiver by the court. The training video or web cast must be provided at no cost to the guardian, or conservator.

(a) If a petitioner requests the appointment of a specific individual to act as a guardian or conservator, the petition for guardianship or conservatorship must include evidence of the successful completion of the required training video or web cast by the proposed guardian or conservator. The superior court may defer the completion of the training requirement to a date no later than ninety days after appointment if the petitioner requests expedited appointment due to emergent circumstances.

(b) If no person is identified to be appointed guardian or conservator at the time the petition is filed, then the court must require that the petitioner identify within fourteen days from the filing of the petition a specific individual to act as guardian subject to the training requirements set forth herein.

NEW SECTION. Sec. 119. MULTIPLE NOMINATIONS. If a respondent or other person makes more than one nomination of a guardian or conservator, the latest in time governs.

NEW SECTION. Sec. 120. COMPENSATION AND EXPENSES—IN GENERAL. (1) Unless otherwise compensated or reimbursed, an attorney for a respondent in a proceeding under this chapter is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the respondent.

(2) Unless otherwise compensated or reimbursed, an attorney or other person whose services resulted in an order beneficial to an individual subject to guardianship or conservatorship or for whom a protective arrangement under article 5 of this chapter was ordered is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the individual.

(3) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

(4) If the court dismisses a petition under this act and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor against the petitioner.

(5) Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or

reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

(6) Where the person subject to guardianship or conservatorship receives guardianship, conservatorships, or other protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

(7) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

(8) If the court dismisses a petition under this chapter and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or visitor against the petitioner.

NEW SECTION. Sec. 121. COMPENSATION OF GUARDIAN OR CONSERVATOR.

(1) Subject to court approval, a guardian is entitled to reasonable compensation for services as guardian and to reimbursement for room, board, clothing, and other appropriate expenses advanced for the benefit of the individual subject to guardianship. If a conservator, other than the guardian or a person affiliated with the guardian, is appointed for the individual, reasonable compensation and reimbursement to the guardian may be approved and paid by the conservator without court approval.

(2) Subject to court approval, a conservator is entitled to reasonable compensation for services and reimbursement for appropriate expenses from the property of the individual subject to conservatorship.

(3) In determining reasonable compensation for a guardian or conservator, the court, or a conservator in determining reasonable compensation for a guardian as provided in subsection (1) of this section, shall approve compensation that shall not exceed the typical amounts paid for comparable services in the community, at a rate for which the service can be performed in the most efficient and cost-effective manner, considering:

(a) The necessity and quality of the services provided;

(b) The experience, training, professional standing, and skills of the guardian or conservator;

(c) The difficulty of the services performed, including the degree of skill and care required;

(d) The conditions and circumstances under which a service was performed, including whether the service was provided outside regular business hours or under dangerous or extraordinary conditions;

(e) The effect of the services on the individual subject to guardianship or conservatorship;

(f) The extent to which the services provided were or were not consistent with the guardian's plan under section 317 of this act or conservator's plan under section 419 of this act; and

(g) The fees customarily paid to a person that performs a like service in the community.

(4) A guardian or conservator need not use personal funds of the guardian or conservator for the expenses of the individual subject to guardianship or conservatorship.

(5) Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

(6) Where the person subject to guardianship or conservatorship receives guardianship, conservatorship, or other

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protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

(7) If an individual subject to guardianship or conservatorship seeks to modify or terminate the guardianship or conservatorship or remove the guardian or conservator, the court may order compensation to the guardian or conservator for time spent opposing modification, termination, or removal only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship or conservatorship.

NEW SECTION. **Sec. 122.** LIABILITY OF GUARDIAN OR CONSERVATOR FOR ACT OF INDIVIDUAL SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP. A guardian or conservator is not personally liable to another person solely because of the guardianship or conservatorship for an act or omission of the individual subject to guardianship or conservatorship.

NEW SECTION. **Sec. 123.** PETITION AFTER APPOINTMENT FOR INSTRUCTION OR RATIFICATION. (1) A guardian or conservator may petition the court for instruction concerning fiduciary responsibility or ratification of a particular act related to the guardianship or conservatorship.

(2) On reasonable notice and hearing on a petition under subsection (1) of this section, the court may give an instruction and issue an appropriate order.

(3) The petitioner must provide reasonable notice of the petition and hearing to the individual subject to a guardianship or conservatorship.

NEW SECTION. **Sec. 124.** THIRD-PARTY ACCEPTANCE OF AUTHORITY OF GUARDIAN OR CONSERVATOR. (1) A person must not recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The person has actual knowledge or a reasonable belief that the letters of office of the guardian or conservator are invalid or the conservator or guardian is exceeding or improperly exercising authority granted by the court; or

(b) The person has actual knowledge that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(2) A person may refuse to recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if:

(a) The guardian's or conservator's proposed action would be inconsistent with this chapter; or

(b) The person makes, or has actual knowledge that another person has made, a report to the department of children, youth, and families or the department of social and health services stating a good-faith belief that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation, or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(3) A person that refuses to accept the authority of a guardian or conservator in accordance with subsection (2) of this section may report the refusal and the reason for refusal to the court. The court on receiving the report shall consider whether removal of the guardian or conservator or other action is appropriate.

(4) A guardian or conservator may petition the court to require a third party to accept a decision made by the guardian or

conservator on behalf of the individual subject to guardianship or conservatorship.

(5) If the court determines that a third party has failed to recognize the legitimate authority of a guardian or requires a third party to accept a decision made by the guardian on behalf of the individual subject to guardianship, the court may order that third party to compensate the guardian for the time spent only to the extent the court determines the opposition was reasonably necessary to protect the interests of the individual subject to guardianship.

NEW SECTION. **Sec. 125.** USE OF AGENT BY GUARDIAN OR CONSERVATOR. (1) Except as otherwise provided in subsection (3) of this section, a guardian or conservator may delegate a power to an agent which a prudent guardian or conservator of comparable skills could delegate prudently under the circumstances if the delegation is consistent with the guardian's or conservator's fiduciary duties and the guardian's plan under section 317 of this act or the conservator's plan under section 419 of this act.

(2) In delegating a power under subsection (1) of this section, the guardian or conservator shall exercise reasonable care, skill, and caution in:

(a) Selecting the agent;

(b) Establishing the scope and terms of the agent's work in accordance with the guardian's plan under section 317 of this act or the conservator's plan under section 419 of this act;

(c) Monitoring the agent's performance and compliance with the delegation;

(d) Redressing an act or omission of the agent which would constitute a breach of the guardian's or conservator's duties if done by the guardian or conservator; and

(e) Ensuring a background check is conducted on the agent, or conducted on persons employed by the agent when those persons are providing services to the individual subject to a guardianship or conservatorship.

(3) A guardian or conservator may not delegate all powers to an agent.

(4) In performing a power delegated under this section, an agent shall:

(a) Exercise reasonable care to comply with the terms of the delegation and use reasonable care in the performance of the power; and

(b) If the guardian or conservator has delegated to the agent the power to make a decision on behalf of the individual subject to guardianship or conservatorship, use the same decision-making standard the guardian or conservator would be required to use.

(5) By accepting a delegation of a power under subsection (1) of this section from a guardian or conservator, an agent submits to the personal jurisdiction of the courts of this state in an action involving the agent's performance as agent.

(6) A guardian or conservator that delegates and monitors a power in compliance with this section is not liable for the decision, act, or omission of the agent.

NEW SECTION. **Sec. 126.** TEMPORARY SUBSTITUTE GUARDIAN OR CONSERVATOR. (1) The court may appoint a temporary substitute guardian for an individual subject to guardianship for a period not exceeding six months if:

(a) A proceeding to remove a guardian for the individual is pending; or

(b) The court finds a guardian is not effectively performing the guardian's duties and the welfare of the individual requires immediate action.

(2) The court may appoint a temporary substitute conservator for an individual subject to conservatorship for a period not exceeding six months if:

(a) A proceeding to remove a conservator for the individual is pending; or

(b) The court finds that a conservator for the individual is not effectively performing the conservator's duties and the welfare of the individual or the conservatorship estate requires immediate action.

(3) The court shall hold a hearing to appoint a temporary substitute guardian pursuant to subsection (1)(a) or (b) of this section, or to appoint a temporary substitute conservator pursuant to subsection (2)(a) or (b) of this section. The court shall give notice under section 113 of this act to the adult subject to guardianship or conservatorship and to any other person the court determines should receive notice. The adult subject to guardianship or conservatorship shall have the right to attend the hearing and to be represented by counsel of the adult subject to guardianship or conservatorship's choosing.

(4) Except as otherwise ordered by the court, a temporary substitute guardian or temporary substitute conservator appointed under this section has the powers stated in the order of appointment of the guardian or conservator. The authority of the existing guardian or conservator is suspended for as long as the temporary substitute guardian or conservator has authority.

(5) The court shall give notice of appointment of a temporary substitute guardian or temporary substitute conservator, not later than five days after the appointment, to:

(a) The individual subject to guardianship or conservatorship;

(b) The affected guardian or conservator; and

(c) In the case of a minor, each parent of the minor and any person currently having care or custody of the minor.

(6) The court may remove a temporary substitute guardian or temporary substitute conservator at any time. The temporary substitute guardian or temporary substitute conservator shall make any report the court requires.

NEW SECTION. Sec. 127. REGISTRATION OF ORDER—EFFECT. (1) If a guardian has been appointed in another state for an individual, and a petition for guardianship for the individual is not pending in this state, the guardian appointed in the other state, after giving notice to the appointing court, may register the guardianship order in this state by filing as a foreign judgment, in a court of an appropriate county of this state, certified copies of the order and letters of office.

(2) If a conservator has been appointed in another state for an individual, and a petition for conservatorship for the individual is not pending in this state, the conservator appointed for the individual in the other state, after giving notice to the appointing court, may register the conservatorship in this state by filing as a foreign judgment, in a court of a county in which property belonging to the individual subject to conservatorship is located, certified copies of the order of conservatorship, letters of office, and any bond or other verified receipt required by the court.

(3) On registration under this section of a guardianship or conservatorship order from another state, the guardian or conservator may exercise in this state all powers authorized in the order except as prohibited by this chapter and law of this state other than this chapter. If the guardian or conservator is not a resident of this state, the guardian or conservator may maintain an action or proceeding in this state subject to any condition imposed by this state on an action or proceeding by a nonresident party.

(4) The court may grant any relief available under this chapter and law of this state other than this chapter to enforce an order registered under this section.

NEW SECTION. Sec. 128. GRIEVANCE AGAINST GUARDIAN OR CONSERVATOR. (1) An individual who is subject to guardianship or conservatorship, or person interested in the welfare of an individual subject to guardianship or conservatorship, that reasonably believes the guardian or conservator is breaching the guardian's or conservator's fiduciary duty or otherwise acting in a manner inconsistent with this chapter may file a grievance in a record with the court.

(2) Subject to subsection (3) of this section, after receiving a grievance under subsection (1) of this section, the court:

(a) Shall promptly review the grievance against a guardian and shall act to protect the autonomy, values, preferences, and independence of the individual subject to guardianship or conservatorship;

(b) Shall schedule a hearing if the individual subject to guardianship or conservatorship is an adult and the grievance supports a reasonable belief that:

(i) Removal of the guardian and appointment of a successor may be appropriate under section 319 of this act;

(ii) Termination or modification of the guardianship may be appropriate under section 320 of this act;

(iii) Removal of the conservator and appointment of a successor may be appropriate under section 430 of this act;

(iv) Termination or modification of the conservatorship may be appropriate under section 431 of this act; or

(v) A hearing is necessary to resolve the allegations set forth in the grievance; and

(c) May take any action supported by the evidence, including:

(i) Ordering the guardian or conservator to provide the court a report, accounting, inventory, updated plan, or other information;

(ii) Appointing a guardian ad litem;

(iii) Appointing an attorney for the individual subject to guardianship or conservatorship; or

(iv) Holding a hearing.

(3) The court may decline to act under subsection (2) of this section if a similar grievance was filed within the six months preceding the filing of the current grievance and the court followed the procedures of subsection (2) of this section in considering the earlier grievance; and may levy necessary sanctions, including but not limited to the imposition of reasonable attorney fees, costs, striking pleadings, or other appropriate relief, if after consideration the court finds that the grievance is made for reason to harass, delay, with malice, or other bad faith.

(4) In any court action under this section where the court finds the professional guardian or conservator breached a fiduciary duty, the court must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board.

(5) A court shall not dismiss a grievance that has been filed against a guardian or conservator due to an inability to resolve the grievance in a timely manner.

NEW SECTION. Sec. 129. DELEGATION BY PARENT. Except as otherwise provided in RCW 11.125.410, a parent of a minor, by a power of attorney, may delegate to another person for a period not exceeding twenty-four months any of the parent's powers regarding care, custody, or property of the minor, other than power to consent to marriage or adoption.

NEW SECTION. Sec. 130. EX PARTE COMMUNICATIONS—REMOVAL. A guardian ad litem or visitor shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte

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motions shall be heard in open court on the record. The record may be preserved in a manner deemed appropriate by the county where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem or visitor who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

NEW SECTION. Sec. 131. REGISTRY FOR GUARDIANS AD LITEM AND VISITORS. (1) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem and visitors in guardianship and conservatorship matters. The court shall choose as guardian ad litem or visitor a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem or visitor. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(2) To be eligible for the registry a person shall:

(a) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

- (i) Level of formal education;
- (ii) Training related to the duties of a guardian ad litem or visitor;
- (iii) Number of years' experience as a guardian ad litem or visitor;
- (iv) Number of appointments as a guardian ad litem or visitor and the county or counties of appointment;
- (v) Criminal history, as defined in RCW 9.94A.030; and
- (vi) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of persons subject to guardianship or conservatorship, legal procedure, and the requirements of this chapter.

The written statement of qualifications shall include the names of any counties in which the person was removed from a guardian ad litem or visitor registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and

(b) Complete the training as described in subsection (5) of this section. The training is not applicable to guardians ad litem appointed pursuant to special proceeding rule 98.16W.

(3) The superior court shall remove any person from the guardian ad litem or visitor registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(4) The background and qualification information shall be updated annually.

(5) The department of social and health services shall convene an advisory group to develop a model lay guardian, guardian ad litem, and visitor training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, domestic violence, aging, legal, court administration, the Washington state bar association, and other interested parties.

(6) The superior court shall require utilization of the model program developed by the advisory group as described in subsection (5) of this section to assure that candidates applying for registration as a qualified guardian ad litem or visitor shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem or visitor.

NEW SECTION. Sec. 132. GUARDIANSHIP/CONSERVATORSHIP SUMMARY. Every order appointing a guardian or conservator and every court order approving accounts or reports filed by a guardian or conservator must include a guardianship/conservatorship summary placed directly below the case caption or on a separate cover page in or substantially in the same form as set forth in section 606 of this act.

NEW SECTION. Sec. 133. GUARDIANSHIP/CONSERVATORSHIP COURTHOUSE FACILITATOR PROGRAM. A county may create a guardianship/conservatorship courthouse facilitator program to provide basic services to pro se litigants in guardianship and conservatorship cases. The legislative authority of any county may impose user fees or may impose a surcharge of up to twenty dollars, or both, on superior court cases filed under this chapter, chapter 11.90 RCW, and chapter 73.36 RCW to pay for the expenses of the guardianship/conservatorship courthouse facilitator program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate guardianship/conservatorship courthouse facilitator account to be used as provided in this section.

NEW SECTION. Sec. 134. FILING FEE. (1)(a) The attorney general may petition for the appointment of a guardian, conservator, or other protective arrangement under sections 302, 402, and 504 of this act in which there is cause to believe that a guardianship, conservatorship, or protective arrangement is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship, conservatorship, or protective arrangement proceeding brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the respondent person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the respondent, in which case the filing shall be waived.

(2) No filing fee shall be charged by the court for filing a petition for guardianship, conservatorship, or other protective arrangement filed under sections 302, 402, and 504 of this act if the petition alleges that the respondent has total assets of a value of less than three thousand dollars.

(3) No filing fee shall be charged by the court for filing a petition for guardianship or conservatorship filed under article 2 of this act, where the potential guardian is a relative and not a professional guardian or conservator.

NEW SECTION. Sec. 135. GUARDIANSHIPS INVOLVING VETERANS. For guardianships involving veterans see chapter 73.36 RCW.

NEW SECTION. Sec. 136. CONSTRUCTION—CHAPTER APPLICABLE TO STATE REGISTERED DOMESTIC PARTNERSHIPS—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and relative shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply

equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

ARTICLE 2 GUARDIANSHIP OF MINOR

NEW SECTION. Sec. 201. BASIS FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) A person becomes a guardian for a minor only on appointment by the court.

(2) The court may appoint a guardian for a minor who does not have a guardian if the court finds the appointment is in the minor's best interest and:

- (a) Each parent of the minor, after being fully informed of the nature and consequences of guardianship, consents;
- (b) All parental rights have been terminated; or
- (c) There is clear and convincing evidence that no parent of the minor is willing or able to exercise the powers the court is granting the guardian.

NEW SECTION. Sec. 202. PETITION FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) A person interested in the welfare of a minor, including the minor, may petition for appointment of a guardian for the minor.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the minor, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

- (a) The minor's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the minor will reside if the appointment is made;
- (b) The name and current street address of the minor's parents;
- (c) The name and address, if known, of each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;
- (d) The name and address of any attorney for the minor and any attorney for each parent of the minor;
- (e) The reason guardianship is sought and would be in the best interest of the minor;
- (f) The name and address of any proposed guardian and the reason the proposed guardian should be selected;
- (g) If the minor has property other than personal effects, a general statement of the minor's property with an estimate of its value;
- (h) Whether the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings;
- (i) Whether any parent of the minor needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings; and
- (j) Whether any other proceeding concerning the care or custody of the minor is pending in any court in this state or another jurisdiction.

NEW SECTION. Sec. 203. NOTICE OF HEARING FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) If a petition is filed under section 202 of this act, the court shall schedule a hearing and the petitioner shall:

(a) Serve notice of the date, time, and place of the hearing, together with a copy of the petition, personally on each of the following that is not the petitioner:

- (i) The minor, if the minor will be twelve years of age or older at the time of the hearing;
 - (ii) Each parent of the minor or, if there is none, the adult nearest in kinship who can be found with reasonable diligence;
 - (iii) Any adult with whom the minor resides;
 - (iv) Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition; and
 - (v) Any other person the court determines should receive personal service of notice; and
- (b) Give notice under section 113 of this act of the date, time, and place of the hearing, together with a copy of the petition, to:
- (i) Any person nominated as guardian by the minor, if the minor is twelve years of age or older;
 - (ii) Any nominee of a parent;
 - (iii) Each grandparent and adult sibling of the minor;
 - (iv) Any guardian or conservator acting for the minor in any jurisdiction; and
 - (v) Any other person the court determines.

(2) Notice required by subsection (1) of this section must include a statement of the right to request appointment of an attorney for the minor or object to appointment of a guardian and a description of the nature, purpose, and consequences of appointment of a guardian.

(3) The court may not grant a petition for guardianship of a minor if notice substantially complying with subsection (1)(a) of this section is not served on:

- (a) The minor, if the minor is twelve years of age or older; and
 - (b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent cannot with due diligence be located and served or the parent waived, in a record, the right to notice.
- (4) If a petitioner is unable to serve notice under subsection (1)(a) of this section on a parent of a minor or alleges that the parent waived, in a record, the right to notice under this section, the court shall appoint a visitor who shall:
- (a) Interview the petitioner and the minor;
 - (b) If the petitioner alleges the parent cannot be located, ascertain whether the parent cannot be located with due diligence;
 - (c) Investigate any other matter relating to the petition the court directs; and
 - (d) Ascertain whether the parent consents to the guardian for the minor.

NEW SECTION. Sec. 204. ATTORNEY FOR MINOR OR PARENT. (1) The court is not required, but may appoint an attorney to represent a minor who is the subject of a proceeding under section 202 of this act if:

- (a) Requested by the minor and the minor is twelve years of age or older;
 - (b) Recommended by a guardian ad litem; or
 - (c) The court determines the minor needs representation.
- (2) An attorney appointed under subsection (1) of this section shall:
- (a) Make a reasonable effort to ascertain the minor's wishes;
 - (b) Advocate for the minor's wishes to the extent reasonably ascertainable; and
 - (c) If the minor's wishes are not reasonably ascertainable, advocate for the minor's legal rights.

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(3) A minor who is the subject of a proceeding under section 202 of this act may retain an attorney to represent the minor in the proceeding.

(4) A parent of a minor who is the subject of a proceeding under section 202 of this act may retain an attorney to represent the parent in the proceeding.

(5) The court must appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 202 of this act if:

- (a) The parent has appeared in the proceeding;
- (b) The parent is indigent; and
- (c) Any of the following is true:
 - (i) The parent objects to appointment of a guardian for the minor; or
 - (ii) The court determines that counsel is needed to ensure that consent to appointment of a guardian is informed; or
 - (iii) The court otherwise determines the parent needs representation.

(6) The court must inquire about whether a parent is indigent to ensure that counsel is appointed in a timely manner. For purposes of this section, "indigent" has the same meaning as under RCW 10.101.010.

(7) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 202 of this act, even if the parent is not indigent, if:

- (a) The parent objects to appointment of a guardian for the minor;
- (b) The court determines that counsel is needed to ensure that consent to appointment of a guardian is informed; or
- (c) The court otherwise determines that the parent needs representation.

(8) A party represented by an attorney in proceedings under this article has the right to introduce evidence, to be heard in his or her own behalf, and to examine witnesses. If a party to an action under this article is represented by counsel, no order may be provided to that party for signature without prior notice and provision of the order to counsel.

NEW SECTION. Sec. 205. ATTENDANCE AND PARTICIPATION AT HEARING FOR APPOINTMENT OF GUARDIAN FOR MINOR. (1) The court shall allow a minor who is the subject of a hearing under section 203 of this act to attend the hearing and allow the minor to participate in the hearing unless the court determines, by clear and convincing evidence presented at the hearing or a separate hearing, that:

- (a) The minor lacks the ability or maturity to participate meaningfully in the hearing; or
 - (b) Attendance would be harmful to the minor.
- (2) Unless excused by the court for good cause, the person proposed to be appointed as guardian for a minor shall attend a hearing under section 203 of this act.

(3) Each parent of a minor who is the subject of a hearing under section 203 of this act has the right to attend the hearing.

(4) A person may request permission to participate in a hearing under section 203 of this act. The court may grant the request, with or without hearing, on determining that it is in the best interest of the minor who is the subject of the hearing. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 206. CUSTODY ORDERS—BACKGROUND INFORMATION TO BE CONSULTED. (1) Before granting any order regarding the custody of a child under this chapter, the court must consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

- (2) Before entering a final order, the court must:

(a) Direct the department of children, youth, and families to release information as provided under RCW 13.50.100; and

(b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for the petitioner and adult members of the petitioner's household.

NEW SECTION. Sec. 207. ORDER OF APPOINTMENT—PRIORITY OF NOMINEE—LIMITED GUARDIANSHIP FOR MINOR. (1) After a hearing under section 203 of this act, the court may appoint a guardian for a minor, if appointment is proper under section 201 of this act, dismiss the proceeding, or take other appropriate action consistent with this chapter or law of this state other than this chapter.

(2) In appointing a guardian under subsection (1) of this section, the following rules apply:

(a) The court shall appoint a person nominated as guardian by a parent of the minor in a will or other record unless the court finds the appointment is contrary to the best interest of the minor.

(b) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(c) If a guardian is not appointed under (a) or (b) of this subsection, the court shall appoint the person nominated by the minor if the minor is twelve years of age or older unless the court finds that appointment is contrary to the best interest of the minor. In that case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(3) In the interest of maintaining or encouraging involvement by a minor's parent in the minor's life, developing self-reliance of the minor, or for other good cause, the court, at the time of appointment of a guardian for the minor or later, on its own or on motion of the minor or other interested person, may create a limited guardianship by limiting the powers otherwise granted by this article to the guardian. Following the same procedure, the court may grant additional powers or withdraw powers previously granted.

(4) The court, as part of an order appointing a guardian for a minor, shall state rights retained by any parent of the minor, which may include contact or visitation with the minor, decision making regarding the minor's health care, education, or other matter, or access to a record regarding the minor.

(5) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

- (a) The guardian has delegated custody of the minor subject to guardianship;
- (b) The court has modified or limited the powers of the guardian; or
- (c) The court has removed the guardian.

(6) An order granting a guardianship for a minor must identify any person in addition to a parent of the minor which is entitled to notice of the events listed in subsection (5) of this section.

(7) An order granting guardianship for a minor must direct the clerk of the court to issue letters of office to the guardian containing an expiration date which should be the minor's eighteenth birthday.

NEW SECTION. Sec. 208. STANDBY GUARDIAN FOR MINOR. (1) A standby guardian appointed under this section may act as guardian, with all duties and powers of a guardian under sections 210 and 211 of this act, when no parent of the minor is willing or able to exercise the duties and powers granted to the guardian.

(2) A parent of a minor, in a signed record, may nominate a person to be appointed by the court as standby guardian for the minor. The parent, in a signed record, may state desired limitations on the powers to be granted the standby guardian. The parent, in a signed record, may revoke or amend the nomination at any time before the court appoints a standby guardian.

(3) The court may appoint a standby guardian for a minor on:

(a) Petition by a parent of the minor or a person nominated under subsection (2) of this section; and

(b) Finding that no parent of the minor likely will be able or willing to care for or make decisions with respect to the minor not later than two years after the appointment.

(4) A petition under subsection (3)(a) of this section must include the same information required under section 202 of this act for the appointment of a guardian for a minor.

(5) On filing a petition under subsection (3)(a) of this section, the petitioner shall:

(a) Serve a copy of the petition personally on:

(i) The minor, if the minor is twelve years of age or older, and the minor's attorney, if any;

(ii) Each parent of the minor;

(iii) The person nominated as standby guardian; and

(iv) Any other person the court determines; and

(b) Include with the copy of the petition served under (a) of this subsection a statement of the right to request appointment of an attorney for the minor or to object to appointment of the standby guardian, and a description of the nature, purpose, and consequences of appointment of a standby guardian.

(6) A person entitled to notice under subsection (5) of this section, not later than sixty days after service of the petition and statement, may object to appointment of the standby guardian by filing an objection with the court and giving notice of the objection to each other person entitled to notice under subsection (5) of this section.

(7) If an objection is filed under subsection (6) of this section, the court shall hold a hearing to determine whether a standby guardian should be appointed and, if so, the person that should be appointed. If no objection is filed, the court may make the appointment.

(8) The court may not grant a petition for a standby guardian of the minor if notice substantially complying with subsection (5) of this section is not served on:

(a) The minor, if the minor is twelve years of age or older; and

(b) Each parent of the minor, unless the court finds by clear and convincing evidence that the parent, in a record, waived the right to notice or cannot be located and served with due diligence.

(9) If a petitioner is unable to serve notice under subsection (5) of this section on a parent of the minor or alleges that a parent of the minor waived the right to notice under this section, the court shall appoint a visitor who shall:

(a) Interview the petitioner and the minor;

(b) If the petitioner alleges the parent cannot be located and served, ascertain whether the parent cannot be located with due diligence; and

(c) Investigate any other matter relating to the petition the court directs.

(10) If the court finds under subsection (3) of this section that a standby guardian should be appointed, the following rules apply:

(a) The court shall appoint the person nominated under subsection (2) of this section unless the court finds the appointment is contrary to the best interest of the minor.

(b) If the parents have nominated different persons to serve as standby guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court

finds that appointment of none of the nominees is in the best interest of the minor.

(11) An order appointing a standby guardian under this section must state that each parent of the minor is entitled to notice, and identify any other person entitled to notice, if:

(a) The standby guardian assumes the duties and powers of the guardian;

(b) The guardian delegates custody of the minor;

(c) The court modifies or limits the powers of the guardian; or

(d) The court removes the guardian.

(12) Before assuming the duties and powers of a guardian, a standby guardian must file with the court an acceptance of appointment as guardian and give notice of the acceptance to:

(a) Each parent of the minor, unless the parent, in a record, waived the right to notice or cannot be located and served with due diligence;

(b) The minor, if the minor is twelve years of age or older; and

(c) Any person, other than the parent, having care or custody of the minor.

(13) A person that receives notice under subsection (12) of this section or any other person interested in the welfare of the minor may file with the court an objection to the standby guardian's assumption of duties and powers of a guardian. The court shall hold a hearing if the objection supports a reasonable belief that the conditions for assumption of duties and powers have not been satisfied.

NEW SECTION. Sec. 209. EMERGENCY GUARDIAN FOR MINOR. (1) On its own, or on petition by a person interested in a minor's welfare, the court may appoint an emergency guardian for the minor if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the minor's health, safety, or welfare; and

(b) No other person appears to have authority and willingness to act in the circumstances.

(2) The duration of authority of an emergency guardian for a minor may not exceed sixty days and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on a petition for appointment of an emergency guardian for a minor must be given to:

(a) The minor, if the minor is twelve years of age or older;

(b) Any attorney appointed under section 204 of this act;

(c) Each parent of the minor;

(d) Any person, other than a parent, having care or custody of the minor; and

(e) Any other person the court determines.

(4) The court may appoint an emergency guardian for a minor without notice under subsection (3) of this section and a hearing only if the court finds from an affidavit or testimony that the minor's health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without notice to an unrepresented minor or the attorney for a represented minor, notice of the appointment must be given not later than forty-eight hours after the appointment to the individuals listed in subsection (3) of this section. Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

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(5) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under section 201 of this act.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

(7) Notwithstanding subsection (2) of this section, the court may extend an emergency guardianship pending the outcome of a full hearing under section 202 or 208 of this act.

NEW SECTION. Sec. 210. DUTIES OF GUARDIAN FOR MINOR. (1) A guardian for a minor is a fiduciary. Except as otherwise limited by the court, a guardian for a minor has the duties and responsibilities of a parent regarding the minor's support, care, education, health, safety, and welfare. A guardian shall act in the minor's best interest and exercise reasonable care, diligence, and prudence.

(2) A guardian for a minor shall:

(a) Be personally acquainted with the minor and maintain sufficient contact with the minor to know the minor's abilities, limitations, needs, opportunities, and physical and mental health;

(b) Take reasonable care of the minor's personal effects and bring a proceeding for a conservatorship or protective arrangement instead of conservatorship if necessary to protect other property of the minor;

(c) Expend funds of the minor which have been received by the guardian for the minor's current needs for support, care, education, health, safety, and welfare;

(d) Conserve any funds of the minor not expended under (c) of this subsection for the minor's future needs, but if a conservator is appointed for the minor, pay the funds at least quarterly to the conservator to be conserved for the minor's future needs;

(e) Report the condition of the minor and account for funds and other property of the minor in the guardian's possession or subject to the guardian's control, as required by court rule or ordered by the court on application of a person interested in the minor's welfare;

(f) Inform the court of any change in the minor's dwelling or address; and

(g) In determining what is in the minor's best interest, take into account the minor's preferences to the extent actually known or reasonably ascertainable by the guardian.

NEW SECTION. Sec. 211. POWERS OF GUARDIAN FOR MINOR. (1) Except as otherwise limited by court order, a guardian of a minor has the powers a parent otherwise would have regarding the minor's support, care, education, health, safety, and welfare.

(2) Except as otherwise limited by court order, a guardian for a minor may:

(a) Apply for and receive funds and benefits otherwise payable for the support of the minor to the minor's parent, guardian, or custodian under a statutory system of benefits or insurance or any private contract, devise, trust, conservatorship, or custodianship;

(b) Unless inconsistent with a court order entitled to recognition in this state, take custody of the minor and establish the minor's place of dwelling in this state and, after following the process in RCW 26.09.405 through 26.09.560 and on authorization of the court, establish or move the minor's dwelling outside this state;

(c) If the minor is not subject to conservatorship, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the minor, pay child support, or make other payments for the benefit of the minor;

(d) Consent to health or other care, treatment, or service for the minor; or

(e) To the extent reasonable, delegate to the minor responsibility for a decision affecting the minor's well-being.

(3) The court may authorize a guardian for a minor to consent to the adoption of the minor if the minor does not have a parent.

NEW SECTION. Sec. 212. REMOVAL OF GUARDIAN FOR MINOR—TERMINATION OF GUARDIANSHIP—APPOINTMENT OF SUCCESSOR. (1) Guardianship under this chapter for a minor terminates:

(a) On the minor's death, adoption, emancipation, or attainment of majority; or

(b) When the court finds that the standard in section 201 of this act for appointment of a guardian is not satisfied, unless the court finds that:

(i) Termination of the guardianship would be harmful to the minor; and

(ii) The minor's interest in the continuation of the guardianship outweighs the interest of any parent of the minor in restoration of the parent's right to make decisions for the minor.

(2) A minor subject to guardianship or a person interested in the welfare of the minor, including a parent, may petition the court to terminate the guardianship, modify the guardianship, remove the guardian and appoint a successor guardian, or remove a standby guardian and appoint a different standby guardian.

(3) A petitioner under subsection (2) of this section shall give notice of the hearing on the petition to the minor, if the minor is twelve years of age or older and is not the petitioner, the guardian, each parent of the minor, and any other person the court determines.

(4) The court shall follow the priorities in section 207(2) of this act when selecting a successor guardian for a minor.

(5) Not later than thirty days after appointment of a successor guardian for a minor, the court shall give notice of the appointment to the minor subject to guardianship, if the minor is twelve years of age or older, each parent of the minor, and any other person the court determines.

(6) When terminating a guardianship for a minor under this section, the court may issue an order providing for transitional arrangements that will assist the minor with a transition of custody and is in the best interest of the minor.

(7) A guardian for a minor that is removed shall cooperate with a successor guardian to facilitate transition of the guardian's responsibilities and protect the best interest of the minor.

NEW SECTION. Sec. 213. PRIOR COURT ORDER VALIDITY. This chapter does not affect the validity of any court order issued under chapter 26.10 RCW prior to the effective date of this section. Orders issued under chapter 26.10 RCW prior to the effective date of this section remain in effect and do not need to be reissued in a new order under this chapter.

NEW SECTION. Sec. 214. APPLICATION OF THE INDIAN CHILD WELFARE ACT. (1) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the child is or may be an Indian child as defined in RCW 13.38.040. If the child is an Indian child, chapter 13.38 RCW shall apply.

(2) Every order or decree entered in any proceeding under this chapter shall contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the decree or order must also contain a finding that all notice and evidentiary requirements under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied.

NEW SECTION. Sec. 215. CHILD SUPPORT. In entering or modifying an order under this chapter, the court may order one or more parents of the child to pay an amount reasonable or necessary for the child's support pursuant to chapter 26.19 RCW.

NEW SECTION. Sec. 216. HEALTH INSURANCE COVERAGE—CONDITIONS. (1) In entering or modifying a custody order under this chapter, the court must require one or more parents to maintain or provide health insurance coverage for any dependent child if the following conditions are met:

(a) Health insurance that can be extended to cover the child is available to that parent through an employer or other organization; and

(b) The employer or other organization offering health insurance will contribute all or a part of the premium for coverage of the child.

(2) A parent who is required to extend insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

(3) This section may not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of medical expenses, medical costs, or insurance premiums which are in addition to and not inconsistent with this section. "Health insurance" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

ARTICLE 3 GUARDIANSHIP OF ADULT

NEW SECTION. Sec. 301. BASIS FOR APPOINTMENT OF GUARDIAN FOR ADULT. (1) On petition and after notice and hearing, the court may:

(a) Appoint a guardian for an adult if the court finds by clear and convincing evidence that:

(i) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; and

(ii) The respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative; or

(b) With appropriate findings, treat the petition as one for a conservatorship under article 4 of this chapter or protective arrangement under article 5 of this chapter, issue any appropriate order, or dismiss the proceeding.

(2) The court shall grant a guardian appointed under subsection (1) of this section only those powers necessitated by the demonstrated needs and limitations of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full guardianship if a limited guardianship, protective arrangement instead of guardianship, or other less restrictive alternative would meet the needs of the respondent.

NEW SECTION. Sec. 302. PETITION FOR APPOINTMENT OF GUARDIAN FOR ADULT. (1) A person interested in an adult's welfare, including the adult for whom the order is sought, may petition for appointment of a guardian for the adult.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period immediately before the filing of the petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for care of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) Any representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) Any fiduciary for the respondent appointed by the department of veterans affairs;

(vii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(viii) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(ix) A person nominated as guardian by the respondent;

(x) A person nominated as guardian by the respondent's parent or spouse or domestic partner in a will or other signed record;

(xi) A proposed guardian and the reason the proposed guardian should be selected; and

(xii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the petition;

(d) The reason a guardianship is necessary, including a brief description of:

(i) The nature and extent of the respondent's alleged need;

(ii) Any protective arrangement instead of guardianship or other less restrictive alternatives for meeting the respondent's alleged need which have been considered or implemented;

(iii) If no protective arrangement instead of guardianship or other less restrictive alternatives have been considered or implemented, the reason they have not been considered or implemented; and

(iv) The reason a protective arrangement instead of guardianship or other less restrictive alternative is insufficient to meet the respondent's alleged need;

(e) Whether the petitioner seeks a limited guardianship or full guardianship;

(f) If the petitioner seeks a full guardianship, the reason a limited guardianship or protective arrangement instead of guardianship is not appropriate;

(g) If a limited guardianship is requested, the powers to be granted to the guardian;

(h) The name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;

(i) If the respondent has property other than personal effects, a general statement of the respondent's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

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(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.

NEW SECTION. Sec. 303. NOTICE OF HEARING FOR APPOINTMENT OF GUARDIAN FOR ADULT. (1) All petitions filed under section 302 of this act for appointment of a guardian for an adult shall be heard within sixty-days unless an extension of time is requested by a party or the visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2) A copy of a petition under section 302 of this act and notice of a hearing on the petition must be served personally on the respondent and the visitor appointed under section 304 of this act not more than five court days after the petition under section 302 of this act has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under section 302 of this act, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under section 302(2) (a) through (c) of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from appointing a guardian.

(4) After the appointment of a guardian, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

- (a) The adult subject to guardianship;
- (b) The guardian; and
- (c) Any other person the court determines.

NEW SECTION. Sec. 304. APPOINTMENT AND ROLE OF VISITOR. (1) On receipt of a petition under section 302 of this act for appointment of a guardian for an adult, the court shall appoint a visitor. The visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) The court, in the order appointing a visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the visitor may charge without additional court review and approval.

(3)(a) The visitor appointed under subsection (1) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under section 116 of this act with a statement including: His or her training relating to the duties as a visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
- (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
- (iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the visitor and all parties. If, after a hearing, the court enters an order replacing the visitor, findings shall be included, expressly stating the reasons for the removal. If the visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(4) A visitor appointed under subsection (1) of this section shall interview the respondent in person and, in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a guardian;

(b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed guardian, the guardian's proposed powers and duties, and the scope and duration of the proposed guardianship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets.

(5) The visitor appointed under subsection (1) of this section shall:

(a) Interview the petitioner and proposed guardian, if any;

(b) Visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the appointment is made;

(c) Obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(6) A visitor appointed under subsection (1) of this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under section 116 of this act at least fifteen days prior to the hearing on the petition filed under section 302 of this act, which must include:

(a) A summary of self-care and independent living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and cannot manage;

(b) A recommendation regarding the appropriateness of guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available and:

(i) If a guardianship is recommended, whether it should be full or limited; and

(ii) If a limited guardianship is recommended, the powers to be granted to the guardian;

(c) A statement of the qualifications of the proposed guardian and whether the respondent approves or disapproves of the proposed guardian;

(d) A statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence;

(e) A recommendation whether a professional evaluation under section 306 of this act is necessary;

(f) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(g) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(h) Any other matter the court directs.

NEW SECTION. Sec. 305. APPOINTMENT AND ROLE OF ATTORNEY FOR ADULT. (1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in guardianship proceedings.

(b) Unless the respondent in a proceeding for appointment of a guardian for an adult is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding for appointment of a guardian for an adult shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

NEW SECTION. Sec. 306. PROFESSIONAL EVALUATION. (1) At or before a hearing on a petition for a guardianship for an adult, the court shall order a professional evaluation of the respondent:

(a) If the respondent requests the evaluation; or

(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.

(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, or advanced registered nurse practitioner licensed under chapter 18.79 RCW selected by the visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file report in a record with the court. Unless otherwise directed by the court, the report must contain:

(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(c) A prognosis for improvement and recommendation for the appropriate treatment, support, or habilitation plan; and

(d) The date of the examination on which the report is based.

(3) The respondent may decline to participate in an evaluation ordered under subsection (1) of this section.

NEW SECTION. Sec. 307. ATTENDANCE AND RIGHTS AT HEARING. (1) Except as otherwise provided in subsection (2) of this section, a hearing under section 303 of this act may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under section 303 of this act may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so; or

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance.

(3) The respondent may be assisted in a hearing under section 303 of this act by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under section 303 of this act.

(5) At a hearing held under section 303 of this act, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses, including any court-appointed evaluator and the visitor; and

(c) Otherwise participate in the hearing.

(6) Unless excused by the court for good cause, a proposed guardian shall attend a hearing under section 303 of this act.

(7) A hearing under section 303 of this act must be closed on request of the respondent and a showing of good cause.

(8) Any person may request to participate in a hearing under section 303 of this act. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 308. CONFIDENTIALITY OF RECORDS. (1) The existence of a proceeding for or the existence of a guardianship for an adult is a matter of public record unless the court seals the record after:

(a) The respondent or individual subject to guardianship requests the record be sealed; and

(b) Either:

(i) The petition for guardianship is dismissed; or

(ii) The guardianship is terminated.

(2) An adult subject to a proceeding for a guardianship, whether or not a guardian is appointed, an attorney designated by the adult, and a person entitled to notice under section 310(5) of this act or a subsequent order are entitled to access court records of the proceeding and resulting guardianship, including the guardian's plan under section 317 of this act and report under section 318 of this act. A person not otherwise entitled to access court records under this subsection for good cause may petition

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the court for access to court records of the guardianship, including the guardian's report and plan. The court shall grant access if access is in the best interest of the respondent or adult subject to guardianship or furthers the public interest and does not endanger the welfare or financial interests of the adult.

(3) A report under section 304 of this act of a visitor or a professional evaluation under section 306 of this act is confidential and must be sealed on filing, but is available to:

- (a) The court;
- (b) The individual who is the subject of the report or evaluation, without limitation as to use;
- (c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;
- (d) Unless the court orders otherwise, an agent appointed under a power of attorney for health care or power of attorney for finances in which the respondent is the principal; and
- (e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

NEW SECTION. Sec. 309. WHO MAY BE GUARDIAN FOR ADULT—ORDER OF PRIORITY. (1) Except as otherwise provided in subsection (3) of this section, the court in appointing a guardian for an adult shall consider persons qualified to be guardian in the following order of priority:

- (a) A guardian, other than a temporary or emergency guardian, currently acting for the respondent in another jurisdiction;
- (b) A person nominated as guardian by the respondent, including the respondent's most recent nomination made in a power of attorney;
- (c) An agent appointed by the respondent under a power of attorney for health care;
- (d) A spouse or domestic partner of the respondent;
- (e) A relative or other individual who has shown special care and concern for the respondent; and
- (f) A certified professional guardian or conservator.

(2) If two or more persons have equal priority under subsection (1) of this section, the court shall select as guardian the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a guardian successfully.

(3) The court, acting in the best interest of the respondent, may decline to appoint as guardian a person having priority under subsection (1) of this section and appoint a person having a lower priority or no priority.

(4) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, domestic partner, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as guardian unless:

- (a) The individual is related to the respondent by blood, marriage, or adoption; or
- (b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(5) An owner, operator, or employee of a long-term care facility at which the respondent is receiving care may not be appointed as guardian unless the owner, operator, or employee is related to the respondent by blood, marriage, or adoption.

NEW SECTION. Sec. 310. ORDER OF APPOINTMENT FOR GUARDIAN. (1) A court order appointing a guardian for an adult must:

(a) Include a specific finding that clear and convincing evidence established that the identified needs of the respondent cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative, including use of appropriate supportive services, technological assistance, or supported decision making;

(b) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition;

(c) State whether the adult subject to guardianship retains the right to vote and, if the adult does not retain the right to vote, include findings that support removing that right which must include a finding that the adult cannot communicate, with or without support, a specific desire to participate in the voting process; and

(d) State whether the adult subject to guardianship retains the right to marry and, if the adult does not retain the right to marry, include findings that support removing that right.

(2) An adult subject to guardianship retains the right to vote unless the order under subsection (1) of this section includes the statement required by subsection (1)(c) of this section. An adult subject to guardianship retains the right to marry unless the order under subsection (1) of this section includes the findings required by subsection (1)(d) of this section.

(3) A court order establishing a full guardianship for an adult must state the basis for granting a full guardianship and include specific findings that support the conclusion that a limited guardianship would not meet the functional needs of the adult subject to guardianship.

(4) A court order establishing a limited guardianship for an adult must state the specific powers granted to the guardian.

(5) The court, as part of an order establishing a guardianship for an adult, shall identify any person that subsequently is entitled to:

- (a) Notice of the rights of the adult under section 311(2) of this act;
- (b) Notice of a change in the primary dwelling of the adult;
- (c) Notice that the guardian has delegated:
 - (i) The power to manage the care of the adult;
 - (ii) The power to make decisions about where the adult lives;
 - (iii) The power to make major medical decisions on behalf of the adult;
 - (iv) A power that requires court approval under section 315 of this act; or
 - (v) Substantially all powers of the guardian;
- (d) Notice that the guardian will be unavailable to visit the adult for more than two months or unavailable to perform the guardian's duties for more than one month;
- (e) A copy of the guardian's plan under section 317 of this act and the guardian's report under section 318 of this act;
- (f) Access to court records relating to the guardianship;
- (g) Notice of the death or significant change in the condition of the adult;
- (h) Notice that the court has limited or modified the powers of the guardian; and
- (i) Notice of the removal of the guardian.

(6) A spouse, domestic partner, and adult children of an adult subject to guardianship are entitled to notice under subsection (5) of this section unless the court determines notice would be contrary to the preferences or prior directions of the adult subject to guardianship or not in the best interest of the adult.

(7) All orders establishing a guardianship for an adult must contain:

(a) A guardianship summary placed directly below the case caption or on a separate cover page in the form or substantially the same form as set forth in section 606 of this act;

(b) The date which the limited guardian or guardian must file the guardian's plan under section 317(1) of this act;

(c) The date by which the court will review the guardian's plan as required by section 317(4) of this act;

(d) The report interval which the guardian shall file its guardian's plan under section 318 of this act. The report interval may be annual, biennial, or triennial;

(e) The date the limited guardian or guardian must file its guardian's plan under section 318 of this act. The due date of the filing of the report shall be within ninety days after the anniversary date of the appointment;

(f) The date for the court to review the guardian's plan under section 318 of this act and enter its order. The court shall conduct the review within one hundred twenty days after the anniversary date of the appointment.

NEW SECTION. Sec. 311. NOTICE OF ORDER OF APPOINTMENT—RIGHTS. (1) A guardian appointed under section 309 of this act shall give the adult subject to guardianship and all other persons given notice under section 303 of this act a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.

(2) Not later than thirty days after appointment of a guardian under section 309 of this act, the guardian shall give to the adult subject to guardianship and any other person entitled to notice under section 310(5) of this act or a subsequent order a statement of the rights of the adult subject to guardianship and procedures to seek relief if the adult is denied those rights. The statement must be in at least sixteen-point font, in plain language, and, to the extent feasible, in a language in which the adult subject to guardianship is proficient. The statement must notify the adult subject to guardianship of the right to:

(a) Seek termination or modification of the guardianship, or removal of the guardian, and choose an attorney to represent the adult in these matters;

(b) Be involved in decisions affecting the adult, including decisions about the adult's care, dwelling, activities, or social interactions, to the extent reasonably feasible;

(c) Be involved in health care decision making to the extent reasonably feasible and supported in understanding the risks and benefits of health care options to the extent reasonably feasible;

(d) Be notified at least fourteen days before a change in the adult's primary dwelling or permanent move to a nursing home, mental health facility, or other facility that places restrictions on the individual's ability to leave or have visitors unless the change or move is proposed in the guardian's plan under section 317 of this act or authorized by the court by specific order;

(e) Object to a change or move described in (d) of this subsection and the process for objecting;

(f) Communicate, visit, or interact with others, including receiving visitors, and making or receiving telephone calls, personal mail, or electronic communications, including through social media, unless:

(i) The guardian has been authorized by the court by specific order to restrict communications, visits, or interactions;

(ii) A protective order or protective arrangement instead of guardianship is in effect that limits contact between the adult and a person; or

(iii) The guardian has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological, or financial harm to the adult, and the restriction is:

(A) For a period of not more than seven business days if the person has a relative or preexisting social relationship with the adult; or

(B) For a period of not more than sixty days if the person does not have a relative or preexisting social relationship with the adult;

(g) Receive a copy of the guardian's plan under section 317 of this act and the guardian's report under section 318 of this act;

(h) Object to the guardian's plan or report; and

(i) Associate with persons of their choosing as provided in section 315(5) of this act.

NEW SECTION. Sec. 312. EMERGENCY GUARDIAN FOR ADULT. (1) On its own after a petition has been filed under section 302 of this act, or on petition by a person interested in an adult's welfare, the court may appoint an emergency guardian for the adult if the court finds:

(a) Appointment of an emergency guardian is likely to prevent substantial harm to the adult's physical health, safety, or welfare;

(b) No other person appears to have authority and willingness to act in the circumstances; and

(c) There is reason to believe that a basis for appointment of a guardian under section 301 of this act exists.

(2) The duration of authority of an emergency guardian for an adult may not exceed sixty days, and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (1) of this section continue.

(3) Immediately on filing of a petition for appointment of an emergency guardian for an adult, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on the petition must be given to the respondent, the respondent's attorney, and any other person the court determines.

(4) The court may appoint an emergency guardian for an adult without notice to the adult and any attorney for the adult only if the court finds from an affidavit or testimony that the respondent's physical health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without giving notice under subsection (3) of this section, the court must:

(a) Give notice of the appointment not later than forty-eight hours after the appointment to:

(i) The respondent;

(ii) The respondent's attorney; and

(iii) Any other person the court determines; and

(b) Hold a hearing on the appropriateness of the appointment not later than five days after the appointment.

(5) Appointment of an emergency guardian under this section is not a determination that a basis exists for appointment of a guardian under section 301 of this act.

(6) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

NEW SECTION. Sec. 313. DUTIES OF GUARDIAN FOR ADULT. (1) A guardian for an adult is a fiduciary and owes the highest duty of good faith and care to the person under a guardianship. The guardian shall not substitute his or her moral or religious values, opinions, or philosophical beliefs for those of the person under a guardianship. Except as otherwise limited by the court, a guardian for an adult shall make decisions regarding the support, care, education, health, and welfare of the adult

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subject to guardianship to the extent necessitated by the adult's limitations.

(2) A guardian for an adult shall promote the self-determination of the adult and, to the extent reasonably feasible, encourage the adult to participate in decisions, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs. In furtherance of this duty, the guardian shall:

(a) Become or remain personally acquainted with the adult and maintain sufficient contact with the adult, including through regular visitation, to know the adult's abilities, limitations, needs, opportunities, and physical and mental health;

(b) To the extent reasonably feasible, identify the values and preferences of the adult and involve the adult in decisions affecting the adult, including decisions about the adult's care, dwelling, activities, or social interactions; and

(c) Make reasonable efforts to identify and facilitate supportive relationships and services for the adult.

(3) A guardian for an adult at all times shall exercise reasonable care, diligence, and prudence when acting on behalf of or making decisions for the adult. In furtherance of this duty, the guardian shall:

(a) Take reasonable care of the personal effects, pets, and service or support animals of the adult and bring a proceeding for a conservatorship or protective arrangement instead of conservatorship if necessary to protect the adult's property;

(b) Expend funds and other property of the adult received by the guardian for the adult's current needs for support, care, education, health, and welfare;

(c) Conserve any funds and other property of the adult not expended under (b) of this subsection for the adult's future needs, but if a conservator has been appointed for the adult, pay the funds and other property at least quarterly to the conservator to be conserved for the adult's future needs; and

(d) Monitor the quality of services, including long-term care services, provided to the adult.

(4) In making a decision for an adult subject to guardianship, the guardian shall make the decision the guardian reasonably believes the adult would make if the adult were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the adult. To determine the decision the adult subject to guardianship would make if able, the guardian shall consider the adult's previous or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the guardian.

(5) If a guardian for an adult cannot make a decision under subsection (4) of this section because the guardian does not know and cannot reasonably determine the decision the adult probably would make if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian shall act in accordance with the best interests of the adult. In determining the best interests of the adult, the guardian shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the adult;

(b) Other information the guardian believes the adult would have considered if the adult were able to act; and

(c) Other factors a reasonable person in the circumstances of the adult would consider, including consequences for others.

(6) A guardian for an adult immediately shall notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed.

(7) The guardian shall file with the court within thirty days of any substantial change in the condition of the person under guardianship or any changes in the residence of the person under

guardianship and shall provide a copy of the notice to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court has determined is entitled to notice.

(8) To inform any person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court has determined is entitled to notice, but in no case more than five business days, after the person subject to guardianship:

(a) Makes a change in residence that is intended or likely to last more than fourteen calendar days;

(b) Has been admitted to a medical facility for acute care in response to a life-threatening injury or medical condition that requires inpatient care;

(c) Has been treated in an emergency room setting or kept for hospital observation for more than twenty-four hours; or

(d) Dies, in which case the notification must be made in person, by telephone, or by certified mail.

NEW SECTION. Sec. 314. POWERS OF GUARDIAN FOR ADULT. (1) Except as limited by court order, a guardian for an adult may:

(a) Apply for and receive funds and benefits for the support of the adult, unless a conservator is appointed for the adult and the application or receipt is within the powers of the conservator;

(b) Unless inconsistent with a court order, establish the adult's place of dwelling;

(c) Consent to health or other care, treatment, or service for the adult;

(d) If a conservator for the adult has not been appointed, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel another person to support the adult or pay funds for the adult's benefit;

(e) To the extent reasonable, delegate to the adult responsibility for a decision affecting the adult's well-being; and

(f) Receive personally identifiable health care information regarding the adult.

(2) The court by specific order may authorize a guardian for an adult to consent to the adoption of the adult.

(3) The court by specific order may authorize a guardian for an adult to:

(a) Consent or withhold consent to the marriage of the adult if the adult's right to marry has been removed under section 310 of this act;

(b) Petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage; or

(c) Support or oppose a petition for divorce, dissolution, or annulment of marriage of the adult or a declaration of invalidity of the adult's marriage.

(4) In determining whether to authorize a power under subsection (2) or (3) of this section, the court shall consider whether the underlying act would be in accordance with the adult's preferences, values, and prior directions and whether the underlying act would be in the adult's best interest.

(5) In exercising a guardian's power under subsection (1)(b) of this section to establish the adult's place of dwelling, the guardian shall:

(a) Select a residential setting the guardian believes the adult would select if the adult were able, in accordance with the decision-making standard in section 313 (4) and (5) of this act. If the guardian does not know and cannot reasonably determine what setting the adult subject to guardianship probably would choose if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian

shall choose in accordance with section 313(5) of this act a residential setting that is consistent with the adult's best interest;

(b) In selecting among residential settings, give priority to a residential setting in a location that will allow the adult to interact with persons important to the adult and meet the adult's needs in the least restrictive manner reasonably feasible unless to do so would be inconsistent with the decision-making standard in section 313 (4) and (5) of this act;

(c) Not later than thirty days after a change in the dwelling of the adult:

(i) Give notice of the change to the court, the adult, and any person identified as entitled to the notice in the court order appointing the guardian or a subsequent order; and

(ii) Include in the notice the address and nature of the new dwelling and state whether the adult received advance notice of the change and whether the adult objected to the change;

(d) Establish or move the permanent place of dwelling of the adult to a nursing home, mental health facility, or other facility that places restrictions on the adult's ability to leave or have visitors only if:

(i) The establishment or move is in the guardian's plan under section 317 of this act;

(ii) The court authorizes the establishment or move; or

(iii) The guardian gives notice of the establishment or move at least fourteen days before the establishment or move to the adult and all persons entitled to notice under section 310(5)(b) of this act or a subsequent order, and no objection is filed;

(e) Establish or move the place of dwelling of the adult outside this state only if consistent with the guardian's plan and authorized by the court by specific order; and

(f) Take action that would result in the sale of or surrender of the lease to the primary dwelling of the adult only if:

(i) The action is specifically included in the guardian's plan under section 317 of this act;

(ii) The court authorizes the action by specific order; or

(iii) Notice of the action was given at least fourteen days before the action to the adult and all persons entitled to the notice under section 310(5)(b) of this act or a subsequent order and no objection has been filed.

(6) In exercising a guardian's power under subsection (1)(c) of this section to make health care decisions, the guardian shall:

(a) Involve the adult in decision making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of health care options;

(b) Defer to a decision by an agent under a power of attorney for health care executed by the adult and cooperate to the extent feasible with the agent making the decision; and

(c) Take into account:

(i) The risks and benefits of treatment options; and

(ii) The current and previous wishes and values of the adult, if known or reasonably ascertainable by the guardian.

(7) Notwithstanding subsection (1)(b) of this section no residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an individual subject to a guardianship shall be void and of no force or effect. This section does not apply to the detention of a minor as provided in chapter 71.34 RCW.

(8) Nothing in this section shall be construed to require a court order authorizing placement of an incapacitated person in a residential treatment facility if such order is not otherwise

required by law: PROVIDED, That notice of any residential placement of an individual subject to a guardianship shall be served, either before or after placement, by the guardian or limited guardian on such individual, any visitor of record, any guardian ad litem of record, and any attorney of record.

NEW SECTION. Sec. 315. SPECIAL LIMITATIONS ON GUARDIAN'S POWER. (1) Unless authorized by the court by specific order, a guardian for an adult does not have the power to revoke or amend a power of attorney for health care or power of attorney for finances executed by the adult. If a power of attorney for health care is in effect, unless there is a court order to the contrary, a health care decision of an agent takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible. If a power of attorney for finances is in effect, unless there is a court order to the contrary, a decision by the agent which the agent is authorized to make under the power of attorney for finances takes precedence over that of the guardian and the guardian shall cooperate with the agent to the extent feasible.

(2) A guardian for an adult may not initiate the commitment of the adult to an evaluation and treatment facility except in accordance with the state's procedure for involuntary civil commitment.

(3) Unless authorized by the court in accordance with subsection (4) of this section within the past thirty days, a guardian for an adult may not consent to any of the following procedures for the adult:

(a) Therapy or other procedure to induce convulsion;

(b) Surgery solely for the purpose of psychosurgery; or

(c) Other psychiatric or mental health procedures that restrict physical freedom of movement or the rights set forth in RCW 71.05.217.

(4) The court may order a procedure listed in subsection (3) of this section only after giving notice to the adult's attorney and holding a hearing. If the adult does not have an attorney, the court must appoint an attorney for the adult prior to entering an order under this subsection.

(5) PERSONS UNDER A GUARDIANSHIP, CONSERVATORSHIP, OR OTHER PROTECTIVE ARRANGEMENTS—RIGHT TO ASSOCIATE WITH PERSONS OF THEIR CHOOSING.

(a) Except as otherwise provided in this section, a person under a guardianship retains the right to associate with persons of the person under a guardianship's choosing. This right includes, but is not limited to, the right to freely communicate and interact with other persons, whether through in-person visits, telephone calls, electronic communication, personal mail, or other means. If the person under a guardianship is unable to express consent for communication, visitation, or interaction with another person, or is otherwise unable to make a decision regarding association with another person, a guardian of a person under a guardianship, whether full or limited, must:

(i) Personally inform the person under a guardianship of the decision under consideration, using plain language, in a manner calculated to maximize the understanding of the person under a guardianship;

(ii) Maximize the person under a guardianship's participation in the decision-making process to the greatest extent possible, consistent with the person under a guardianship's abilities; and

(iii) Give substantial weight to the person under a guardianship's preferences, both expressed and historical.

(b) A guardian or limited guardian may not restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing, unless:

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(i) The restriction is specifically authorized by the guardianship court in the court order establishing or modifying the guardianship or limited guardianship under chapter 11.--- RCW (the new chapter created in section 806 of this act);

(ii) The restriction is pursuant to a protection order issued under chapter 74.34 RCW, chapter 26.50 RCW, or other law, that limits contact between the person under a guardianship and other persons;

(iii)(A) The guardian or limited guardian has good cause to believe that there is an immediate need to restrict a person under a guardianship's right to communicate, visit, interact, or otherwise associate with persons of the person under a guardianship's choosing in order to protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation, as those terms are defined in RCW 74.34.020, or to protect the person under a guardianship from activities that unnecessarily impose significant distress on the person under a guardianship; and

(B) Within fourteen calendar days of imposing the restriction under (b)(iii)(A) of this subsection, the guardian or limited guardian files a petition for a protection order under chapter 74.34 RCW. The immediate need restriction may remain in place until the court has heard and issued an order or decision on the petition; or

(iv) The restriction is pursuant to participation in the community protection program under chapter 71A.12 RCW.

(6) A protection order under chapter 74.34 RCW issued to protect the person under a guardianship as described in subsection (5)(b)(iii)(B) of this section:

(a) Must include written findings of fact and conclusions of law;

(b) May not be more restrictive than necessary to protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020; and

(c) May not deny communication, visitation, interaction, or other association between the person under a guardianship and another person unless the court finds that placing reasonable time, place, or manner restrictions is unlikely to sufficiently protect the person under a guardianship from abuse, neglect, abandonment, or financial exploitation as those terms are defined in RCW 74.34.020.

Sec. 316. RCW 11.125.080 and 2016 c 209 s 108 are each amended to read as follows:

(1) In a power of attorney, a principal may nominate a guardian of the principal's estate or guardian of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good cause shown or disqualification, the court shall make its appointment in accordance with the principal's most recent nomination.

(2) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of all of the principal's property, the power of attorney ~~((is terminated and the agent's authority does not continue unless continued by the court))~~ remains in effect subject to the provisions of section 315(1) of this act.

(3) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of some but not all of the principal's property, the power of attorney shall not terminate or be modified, except to the extent ordered by the court.

NEW SECTION. Sec. 317. GUARDIAN'S PLAN. (1) A guardian for an adult, not later than ninety days after appointment, shall file with the court a plan for the care of the adult and shall

provide a copy of the plan to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines. The plan must be based on the needs of the adult and take into account the best interest of the adult as well as the adult's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the guardian. The guardian shall include in the plan:

(a) The living arrangement, services, and supports the guardian expects to arrange, facilitate, or continue for the adult;

(b) Social and educational activities the guardian expects to facilitate on behalf of the adult;

(c) Any person with whom the adult has a close personal relationship or relationship involving regular visitation and any plan the guardian has for facilitating visits with the person;

(d) The anticipated nature and frequency of the guardian's visits and communication with the adult;

(e) Goals for the adult, including any goal related to the restoration of the adult's rights, and how the guardian anticipates achieving the goals;

(f) Whether the adult has an existing plan and, if so, whether the guardian's plan is consistent with the adult's plan; and

(g) A statement or list of the amount the guardian proposes to charge for each service the guardian anticipates providing to the adult.

(2) A guardian shall give notice of the filing of the guardian's plan under subsection (1) of this section, together with a copy of the plan, to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines. The notice must include a statement of the right to object to the plan and be given not later than fourteen days after the filing.

(3) An adult subject to guardianship and any person entitled under subsection (2) of this section to receive notice and a copy of the guardian's plan may object to the plan.

(4) The court shall review the guardian's plan filed under subsection (1) of this section and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (3) of this section and whether the plan is consistent with the guardian's duties and powers under sections 313 and 314 of this act. The court may not approve the plan until thirty days after its filing.

(5) After the guardian's plan filed under this section is approved by the court, the guardian shall provide a copy of the order approving the plan to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines.

NEW SECTION. Sec. 318. GUARDIAN'S REPORT—MONITORING OF GUARDIANSHIP. (1) A guardian for an adult shall file with the court by the date established by the court a report in a record regarding the condition of the adult and accounting for funds and other property in the guardian's possession or subject to the guardian's control. The guardian shall provide a copy of the report to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines.

(2) A report under subsection (1) of this section must state or contain:

(a) The mental, physical, and social condition of the adult;

(b) The living arrangements of the adult during the reporting period;

(c) A summary of the supported decision making, technological assistance, medical services, educational and vocational services, and other supports and services provided to

the adult and the guardian's opinion as to the adequacy of the adult's care;

(d) A summary of the guardian's visits with the adult, including the dates of the visits;

(e) Action taken on behalf of the adult;

(f) The extent to which the adult has participated in decision making;

(g) If the adult is living in an evaluation and treatment facility or living in a facility that provides the adult with health care or other personal services, whether the guardian considers the facility's current plan for support, care, treatment, or habilitation consistent with the adult's preferences, values, prior directions, and best interests;

(h) Anything of more than de minimis value which the guardian, any individual who resides with the guardian, or the spouse, domestic partner, parent, child, or sibling of the guardian has received from an individual providing goods or services to the adult. A professional guardian must abide by the standards of practice regarding the acceptance of gifts;

(i) If the guardian delegated a power to an agent, the power delegated and the reason for the delegation;

(j) Any business relation the guardian has with a person the guardian has paid or that has benefited from the property of the adult;

(k) A copy of the guardian's most recently approved plan under section 317 of this act and a statement whether the guardian has deviated from the plan and, if so, how the guardian has deviated and why;

(l) Plans for future care and support of the adult;

(m) A recommendation as to the need for continued guardianship and any recommended change in the scope of the guardianship; and

(n) Whether any co-guardian or successor guardian appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a visitor to review a report submitted under this section or a guardian's plan submitted under section 317 of this act, interview the guardian or adult subject to guardianship, or investigate any other matter involving the guardianship.

(4) Notice of the filing under this section of a guardian's report, together with a copy of the report, must be given to the adult subject to guardianship, a person entitled to notice under section 310(5) of this act or a subsequent order, and any other person the court determines. The notice and report must be given not later than fourteen days after the filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report to determine whether:

(a) The report provides sufficient information to establish the guardian has complied with the guardian's duties;

(b) The guardianship should continue; and

(c) The guardian's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a guardian for an adult has not complied with the guardian's duties or the guardianship should be modified or terminated, the court:

(a) Shall notify the adult, the guardian, and any other person entitled to notice under section 310(5) of this act or a subsequent order;

(b) May require additional information from the guardian;

(c) May appoint a visitor to interview the adult or guardian or investigate any matter involving the guardianship; and

(d) Consistent with sections 318 and 319 of this act, may hold a hearing to consider removal of the guardian, termination of the guardianship, or a change in the powers granted to the guardian or terms of the guardianship.

(7) If the court has reason to believe fees requested by a guardian for an adult are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A guardian for an adult must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review interval at annual, biennial, or triennial with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the guardian has been serving the person under guardianship; whether the guardian has timely filed all required reports with the court; whether the guardian is monitored by other state or local agencies; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the guardian.

(10) If the court approves a report filed under this section, the order approving the report shall contain a guardianship summary or be accompanied by a guardianship summary in the form or substantially in the same form as set forth in section 606 of this act.

(11) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in section 605 of this act to the guardian containing an expiration date which will be within one hundred twenty days after the date the court directs the guardian file its next report.

(12) Any requirement to establish a monitoring program under this section is subject to appropriation.

NEW SECTION. Sec. 319. REMOVAL OF GUARDIAN FOR ADULT—APPOINTMENT OF SUCCESSOR. (1) The court may remove a guardian for an adult for failure to perform the guardian's duties or for other good cause and appoint a successor guardian to assume the duties of guardian.

(2) The court shall hold a hearing to determine whether to remove a guardian for an adult and appoint a successor guardian on:

(a) Petition of the adult, guardian, or person interested in the welfare of the adult, which contains allegations that, if true, would support a reasonable belief that removal of the guardian and appointment of a successor guardian may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(b) Communication from the adult, guardian, or person interested in the welfare of the adult which supports a reasonable belief that removal of the guardian and appointment of a successor guardian may be appropriate; or

(c) Determination by the court that a hearing would be in the best interest of the adult.

(3) Notice of a hearing under subsection (2)(a) of this section and notice of the adult subject to guardianship's right to be represented at the hearing by counsel of the individual's choosing must be given to the adult subject to guardianship, the guardian, and any other person the court determines.

(4) An adult subject to guardianship who seeks to remove the guardian and have a successor guardian appointed has the right to choose an attorney to represent the adult in this matter. The court shall award reasonable attorneys' fees to the attorney for the adult as provided in section 120 of this act.

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(5) In selecting a successor guardian for an adult, the court shall follow the priorities under section 309 of this act.

(6) Not later than fourteen days after appointing a successor guardian, the successor guardian shall give notice of the appointment to the adult subject to guardianship and any person entitled to notice under section 310(5) of this act or a subsequent order.

NEW SECTION. Sec. 320. TERMINATION OR MODIFICATION OF GUARDIANSHIP FOR ADULT. (1) An adult subject to guardianship, the guardian for the adult, or a person interested in the welfare of the adult may petition for:

(a) Termination of the guardianship on the ground that a basis for appointment under section 301 of this act does not exist or termination would be in the best interest of the adult or for other good cause; or

(b) Modification of the guardianship on the ground that the extent of protection or assistance granted is not appropriate or for other good cause.

(2) The court shall hold a hearing to determine whether termination or modification of a guardianship for an adult is appropriate on:

(a) Petition under subsection (1) of this section that contains allegations that, if true, would support a reasonable belief that termination or modification of the guardianship may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(b) Communication from the adult, guardian, or person interested in the welfare of the adult which supports a reasonable belief that termination or modification of the guardianship may be appropriate, including because the functional needs of the adult or supports or services available to the adult have changed;

(c) A report from a guardian or conservator which indicates that termination or modification may be appropriate because the functional needs of the adult or supports or services available to the adult have changed or a protective arrangement instead of guardianship or other less restrictive alternative for meeting the adult's needs is available; or

(d) A determination by the court that a hearing would be in the best interest of the adult.

(3) Notice of a petition under subsection (2)(a) of this section must be given to the adult subject to guardianship, the guardian, and any other person the court determines.

(4) On presentation of prima facie evidence for termination of a guardianship for an adult, the court shall order termination unless it is proven that a basis for appointment of a guardian under section 301 of this act exists.

(5) The court shall modify the powers granted to a guardian for an adult if the powers are excessive or inadequate due to a change in the abilities or limitations of the adult, the adult's supports, or other circumstances.

(6) Unless the court otherwise orders for good cause, before terminating or modifying a guardianship for an adult, the court shall follow the same procedures to safeguard the rights of the adult which apply to a petition for guardianship.

(7) An adult subject to guardianship who seeks to terminate or modify the terms of the guardianship has the right to choose an attorney to represent the adult in the matter. The court shall award reasonable attorneys' fees to the attorney for the adult as provided in section 120 of this act.

**ARTICLE 4
CONSERVATORSHIP**

NEW SECTION. Sec. 401. BASIS FOR APPOINTMENT OF CONSERVATOR. (1) On petition and after notice and

hearing, the court may appoint a conservator for the property or financial affairs of a minor if the court finds by a preponderance of evidence that appointment of a conservator is in the minor's best interest, and:

(a) If the minor has a parent, the court gives weight to any recommendation of the parent whether an appointment is in the minor's best interest; and

(b) Either:

(i) The minor owns funds or other property requiring management or protection that otherwise cannot be provided;

(ii) The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(iii) Appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor.

(2) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

(a) The adult is unable to manage property or financial affairs because:

(i) Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance, or supported decision making; or

(ii) The adult is missing, detained, or unable to return to the United States;

(b) Appointment is necessary to:

(i) Avoid harm to the adult or significant dissipation of the property of the adult; or

(ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or of an individual entitled to the adult's support; and

(c) The respondent's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives.

(3) The court shall grant a conservator only those powers necessitated by demonstrated limitations and needs of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full conservatorship if a limited conservatorship, protective arrangement instead of conservatorship, or other less restrictive alternative would meet the needs of the respondent.

NEW SECTION. Sec. 402. PETITION FOR APPOINTMENT OF CONSERVATOR. (1) The following may petition for the appointment of a conservator:

(a) The individual for whom the order is sought;

(b) A person interested in the estate, financial affairs, or welfare of the individual, including a person that would be adversely affected by lack of effective management of property or financial affairs of the individual; or

(c) The guardian for the individual.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household

responsibilities for more than six months in the twelve-month period before the filing of the petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship during the two years immediately before the filing of the petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for the care or custody of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) The representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) The fiduciary appointed for the respondent by the department of veterans affairs;

(vii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(viii) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(ix) A person known to have routinely assisted the respondent with decision making in the six-month period immediately before the filing of the petition;

(x) Any proposed conservator, including a person nominated by the respondent, if the respondent is twelve years of age or older; and

(xi) If the individual for whom a conservator is sought is a minor:

(A) An adult not otherwise listed with whom the minor resides; and

(B) Each person not otherwise listed that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(d) A general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts;

(e) The reason conservatorship is necessary, including a brief description of:

(i) The nature and extent of the respondent's alleged need;

(ii) If the petition alleges the respondent is missing, detained, or unable to return to the United States, the relevant circumstances, including the time and nature of the disappearance or detention and any search or inquiry concerning the respondent's whereabouts;

(iii) Any protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;

(iv) If no protective arrangement or other less restrictive alternatives have been considered or implemented, the reason it has not been considered or implemented; and

(v) The reason a protective arrangement or other less restrictive alternative is insufficient to meet the respondent's need;

(f) Whether the petitioner seeks a limited conservatorship or a full conservatorship;

(g) If the petitioner seeks a full conservatorship, the reason a limited conservatorship or protective arrangement instead of conservatorship is not appropriate;

(h) If the petition includes the name of a proposed conservator, the reason the proposed conservator should be appointed;

(i) If the petition is for a limited conservatorship, a description of the property to be placed under the conservator's control and any requested limitation on the authority of the conservator;

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings; and

(k) The name and address of an attorney representing the petitioner, if any.

NEW SECTION. Sec. 403. NOTICE AND HEARING FOR APPOINTMENT OF CONSERVATOR. (1) All petitions filed under section 402 of this act for appointment of a conservator shall be heard within sixty days unless an extension of time is requested by a party or the visitor within such sixty-day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

(2) A copy of a petition under section 402 of this act and notice of a hearing on the petition must be served personally on the respondent and the visitor appointed under section 405 of this act not more than five court days after the petition under section 402 of this act has been filed. If the respondent's whereabouts are unknown or personal service cannot be made, service on the respondent must be made by publication. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition. The court may not grant a petition for appointment of a conservator if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under section 402 of this act, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under section 402(2) (a) through (c) of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from appointing a conservator.

(4) After the appointment of a conservator, notice of a hearing on a petition for an order under this article, together with a copy of the petition, must be given to:

(a) The individual subject to conservatorship, if the individual is twelve years of age or older and not missing, detained, or unable to return to the United States;

(b) The conservator; and

(c) Any other person the court determines.

NEW SECTION. Sec. 404. ORDER TO PRESERVE OR APPLY PROPERTY WHILE PROCEEDING PENDING. While a petition under section 402 of this act is pending, after preliminary hearing and without notice to others, the court may issue an order to preserve and apply property of the respondent as required for the support of the respondent or an individual who is in fact dependent on the respondent. The court may appoint a special agent to assist in implementing the order.

NEW SECTION. Sec. 405. APPOINTMENT AND ROLE OF VISITOR. (1) If the respondent in a proceeding to appoint a conservator is a minor, the court may appoint a visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(2) If the respondent in a proceeding to appoint a conservator is an adult, the court shall appoint a visitor. The duties and reporting requirements of the visitor are limited to the relief requested in the petition. The visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

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(3) The court, in the order appointing visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the visitor may charge without additional court review and approval.

(4)(a) The visitor appointed under subsection (1) or (2) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under section 116 of this act with a statement including: His or her training relating to the duties as a visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
 - (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
 - (iii) A conflict of interest.
- (b) Notice of the hearing shall be provided to the visitor and all parties. If, after a hearing, the court enters an order replacing the visitor, findings shall be included, expressly stating the reasons for the removal. If the visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(5) A visitor appointed under subsection (2) of this section for an adult shall interview the respondent in person and in a manner the respondent is best able to understand:

- (a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the general powers and duties of a conservator;
 - (b) Determine the respondent's views about the appointment sought by the petitioner, including views about a proposed conservator, the conservator's proposed powers and duties, and the scope and duration of the proposed conservatorship; and
 - (c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets.
- (6) A visitor appointed under subsection (2) of this section for an adult shall:
- (a) Interview the petitioner and proposed conservator, if any;
 - (b) Review financial records of the respondent, if relevant to the visitor's recommendation under subsection (7)(b) of this section;
 - (c) Investigate whether the respondent's needs could be met by a protective arrangement instead of conservatorship or other less restrictive alternative and, if so, identify the arrangement or other less restrictive alternative; and
 - (d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A visitor appointed under subsection (2) of this section for an adult shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under section 116 of this act at least fifteen days prior to the hearing on the petition filed under section 402 of this act, which must include:

- (a) A recommendation:

(i) Regarding the appropriateness of conservatorship, or whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;

(ii) If a conservatorship is recommended, whether it should be full or limited;

(iii) If a limited conservatorship is recommended, the powers to be granted to the conservator, and the property that should be placed under the conservator's control; and

(iv) If a conservatorship is recommended, the amount of the bond or other verified receipt needed under sections 416 and 417 of this act;

(b) A statement of the qualifications of the proposed conservator and whether the respondent approves or disapproves of the proposed conservator;

(c) A recommendation whether a professional evaluation under section 407 of this act is necessary;

(d) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(e) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(f) Any other matter the court directs.

NEW SECTION. Sec. 406. APPOINTMENT AND ROLE OF ATTORNEY. (1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in conservatorship proceedings.

(b) Unless the respondent in a proceeding for appointment of a conservator is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

- (A) The respondent is unable to afford an attorney;
- (B) The expense of an attorney would result in substantial hardship to the respondent; or
- (C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding for appointment of a conservator shall:

- (a) Make reasonable efforts to ascertain the respondent's wishes;
- (b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and
- (c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 402 of this act if:

- (a) The parent objects to appointment of a conservator;
- (b) The court determines that counsel is needed to ensure that consent to appointment of a conservator is informed; or
- (c) The court otherwise determines the parent needs representation.

NEW SECTION. Sec. 407. PROFESSIONAL EVALUATION. (1) At or before a hearing on a petition for conservatorship for an adult, the court shall order a professional evaluation of the respondent:

- (a) If the respondent requests the evaluation; or
- (b) In other cases, unless the court finds it has sufficient information to determine the respondent's needs and abilities without the evaluation.

(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a physician licensed to practice under chapter 18.71 or 18.57 RCW, psychologist licensed under chapter 18.83 RCW, or advanced registered nurse practitioner licensed under chapter 18.79 RCW selected by the visitor who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file a report in a record with the court. Unless otherwise directed by the court, the report must contain:

- (a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations with regard to the management of the respondent's property and financial affairs;
 - (b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;
 - (c) A prognosis for improvement with regard to the ability to manage the respondent's property and financial affairs; and
 - (d) The date of the examination on which the report is based.
- (3) A respondent may decline to participate in an evaluation ordered under subsection (1) of this section.

NEW SECTION. Sec. 408. ATTENDANCE AND RIGHTS AT HEARING. (1) Except as otherwise provided in subsection (2) of this section, a hearing under section 403 of this act may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under section 403 of this act may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

- (a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so;
 - (b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services or technological assistance; or
 - (c) The respondent is a minor who has received proper notice and attendance would be harmful to the minor.
- (3) The respondent may be assisted in a hearing under section 403 of this act by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the

respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under section 403 of this act.

(5) At a hearing under section 403 of this act, the respondent may:

- (a) Present evidence and subpoena witnesses and documents;
- (b) Examine witnesses, including any court-appointed evaluator and the visitor; and
- (c) Otherwise participate in the hearing.

(6) Unless excused by the court for good cause, a proposed conservator shall attend a hearing under section 403 of this act.

(7) A hearing under section 403 of this act must be closed on request of the respondent and a showing of good cause.

(8) Any person may request to participate in a hearing under section 403 of this act. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 409. CONFIDENTIALITY OF RECORDS. (1) The existence of a proceeding for or the existence of conservatorship is a matter of public record unless the court seals the record after:

(a) The respondent, the individual subject to conservatorship, or the parent of a minor subject to conservatorship requests the record be sealed; and

(b) Either:

- (i) The petition for conservatorship is dismissed; or
- (ii) The conservatorship is terminated.

(2) An individual subject to a proceeding for a conservatorship, whether or not a conservator is appointed, an attorney designated by the individual, and a person entitled to notice under section 411(6) of this act or a subsequent order may access court records of the proceeding and resulting conservatorship, including the conservator's plan under section 419 of this act and the conservator's report under section 423 of this act. A person not otherwise entitled access to court records under this section for good cause may petition the court for access to court records of the conservatorship, including the conservator's plan and report. The court shall grant access if access is in the best interest of the respondent or individual subject to conservatorship or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(3) A report under section 405 of this act of a visitor or professional evaluation under section 407 of this act is confidential and must be sealed on filing, but is available to:

- (a) The court;
- (b) The individual who is the subject of the report or evaluation, without limitation as to use;
- (c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;
- (d) Unless the court directs otherwise, an agent appointed under a power of attorney for finances in which the respondent is identified as the principal; and
- (e) Any other person if it is in the public interest or for a purpose the court orders for good cause.

NEW SECTION. Sec. 410. WHO MAY BE CONSERVATOR—ORDER OF PRIORITY. (1) Except as otherwise provided in subsection (3) of this section, the court in appointing a conservator shall consider persons qualified to be a conservator in the following order of priority:

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(a) A conservator, other than a temporary or emergency conservator, currently acting for the respondent in another jurisdiction;

(b) A person nominated as conservator by the respondent, including the respondent's most recent nomination made in a power of attorney for finances;

(c) An agent appointed by the respondent to manage the respondent's property under a power of attorney for finances;

(d) A spouse or domestic partner of the respondent;

(e) A relative or other individual who has shown special care and concern for the respondent; and

(f) A certified professional guardian or conservator or other entity the court determines is suitable.

(2) If two or more persons have equal priority under subsection (1) of this section, the court shall select as conservator the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences, and the likelihood the person will be able to perform the duties of a conservator successfully.

(3) The court, acting in the best interest of the respondent, may decline to appoint as conservator a person having priority under subsection (1) of this section and appoint a person having a lower priority or no priority.

(4) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent or is the spouse, domestic partner, parent, or child of an individual who provides or is employed to provide paid services to the respondent, may not be appointed as conservator unless:

(a) The individual is related to the respondent by blood, marriage, or adoption; or

(b) The court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent.

(5) An owner, operator, or employee of a long-term care facility at which the respondent is receiving care may not be appointed as conservator unless the owner, operator, or employee is related to the respondent by blood, marriage, or adoption.

NEW SECTION. Sec. 411. ORDER OF APPOINTMENT OF CONSERVATOR. (1) A court order appointing a conservator for a minor must include findings to support appointment of a conservator and, if a full conservatorship is granted, the reason a limited conservatorship would not meet the identified needs of the minor.

(2) A court order appointing a conservator for a minor may dispense with the requirement for the conservator to file reports with the court under section 423 of this act if all the property of the minor subject to the conservatorship is protected by a verified receipt.

(3) A court order appointing a conservator for an adult must:

(a) Include a specific finding that clear and convincing evidence has established that the identified needs of the respondent cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternatives, including use of appropriate supportive services, technological assistance, or supported decision making; and

(b) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition.

(4) A court order establishing a full conservatorship for an adult must state the basis for granting a full conservatorship and include specific findings to support the conclusion that a limited conservatorship would not meet the functional needs of the adult.

(5) A court order establishing a limited conservatorship must state the specific property placed under the control of the conservator and the powers granted to the conservator.

(6) The court, as part of an order establishing a conservatorship, shall identify any person that subsequently is entitled to:

(a) Notice of the rights of the individual subject to conservatorship under section 412(2) of this act;

(b) Notice of a sale of or surrender of a lease to the primary dwelling of the individual;

(c) Notice that the conservator has delegated a power that requires court approval under section 414 of this act or substantially all powers of the conservator;

(d) Notice that the conservator will be unavailable to perform the conservator's duties for more than one month;

(e) A copy of the conservator's plan under section 419 of this act and the conservator's report under section 423 of this act;

(f) Access to court records relating to the conservatorship;

(g) Notice of a transaction involving a substantial conflict between the conservator's fiduciary duties and personal interests;

(h) Notice of the death or significant change in the condition of the individual;

(i) Notice that the court has limited or modified the powers of the conservator; and

(j) Notice of the removal of the conservator.

(7) If an individual subject to conservatorship is an adult, the spouse, domestic partner, and adult children of the adult subject to conservatorship are entitled under subsection (6) of this section to notice unless the court determines notice would be contrary to the preferences or prior directions of the adult subject to conservatorship or not in the best interest of the adult.

(8) If an individual subject to conservatorship is a minor, each parent and adult sibling of the minor is entitled under subsection (6) of this section to notice unless the court determines notice would not be in the best interest of the minor.

(9) All orders establishing a conservatorship for an adult must contain:

(a) A conservatorship summary placed directly below the case caption or on a separate cover page in the form or substantially the same form as set forth in section 606 of this act;

(b) The date which the limited conservator or conservator must file the conservator's plan under section 419 of this act;

(c) The date which the limited conservator or conservator must file an inventory under section 420 of this act;

(d) The date by which the court will review the conservator's plan as required by section 419 of this act;

(e) The report interval which the conservator must file its report under section 423 of this act. The report interval may be annual, biennial, or triennial;

(f) The date the limited conservator or conservator must file its report under section 423 of this act. The due date of the filing of the report shall be within ninety days after the anniversary date of the appointment;

(g) The date for the court to review the report under section 423 of this act and enter its order. The court shall conduct the review within one hundred twenty days after the anniversary date of the appointment.

NEW SECTION. Sec. 412. NOTICE OF ORDER OF APPOINTMENT—RIGHTS. (1) A conservator appointed under section 411 of this act shall give to the individual subject to conservatorship and to all other persons given notice under section 403 of this act a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.

(2) Not later than thirty days after appointment of a conservator under section 411 of this act, the conservator shall give to the individual subject to conservatorship and any other person entitled to notice under section 411(6) of this act a statement of the rights of the individual subject to conservatorship and procedures to seek relief if the individual is denied those rights. The statement must be in plain language, in at least sixteen-point font, and to the extent feasible, in a language in which the individual subject to conservatorship is proficient. The statement must notify the individual subject to conservatorship of the right to:

(a) Seek termination or modification of the conservatorship, or removal of the conservator, and choose an attorney to represent the individual in these matters;

(b) Participate in decision making to the extent reasonably feasible;

(c) Receive a copy of the conservator's plan under section 419 of this act, the conservator's inventory under section 420 of this act, and the conservator's report under section 423 of this act; and

(d) Object to the conservator's inventory, plan, or report.

(3) If a conservator is appointed for the reasons stated in section 401(2)(a)(ii) of this act and the individual subject to conservatorship is missing, notice under this section to the individual is not required.

NEW SECTION. Sec. 413. EMERGENCY CONSERVATOR. (1) On its own or on petition by a person interested in an individual's welfare after a petition has been filed under section 402 of this act, the court may appoint an emergency conservator for the individual if the court finds:

(a) Appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;

(b) No other person appears to have authority and willingness to act in the circumstances; and

(c) There is reason to believe that a basis for appointment of a conservator under section 401 of this act exists.

(2) The duration of authority of an emergency conservator may not exceed sixty days and the emergency conservator may exercise only the powers specified in the order of appointment. The emergency conservator's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency conservator under subsection (1) of this section continue.

(3) Immediately on filing of a petition for an emergency conservator, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection (4) of this section, reasonable notice of the date, time, and place of a hearing on the petition must be given to the respondent, the respondent's attorney, and any other person the court determines.

(4) The court may appoint an emergency conservator without notice to the respondent and any attorney for the respondent only if the court finds from an affidavit or testimony that the respondent's property or financial interests will be substantially and irreparably harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency conservator without giving notice under subsection (3) of this section, the court must give notice of the appointment not later than forty-eight hours after the appointment to:

(a) The respondent;

(b) The respondent's attorney; and

(c) Any other person the court determines.

(5) Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(6) Appointment of an emergency conservator under this section is not a determination that a basis exists for appointment of a conservator under section 401 of this act.

(7) The court may remove an emergency conservator appointed under this section at any time. The emergency conservator shall make any report the court requires.

NEW SECTION. Sec. 414. POWERS OF CONSERVATOR REQUIRING COURT APPROVAL. (1) Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice under section 403(4) of this act and receive specific authorization by the court before the conservator may exercise with respect to the conservatorship the power to:

(a) Make a gift, except a gift of de minimis value;

(b) Sell, encumber an interest in, or surrender a lease to the primary dwelling of the individual subject to conservatorship;

(c) Convey, release, or disclaim a contingent or expectant interest in property, including marital property and any right of survivorship incident to joint tenancy or tenancy by the entirety;

(d) Exercise or release a power of appointment;

(e) Create a revocable or irrevocable trust of property of the conservatorship estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the individual subject to conservatorship;

(f) Exercise a right to elect an option or change a beneficiary under an insurance policy or annuity or surrender the policy or annuity for its cash value;

(g) Exercise a right to an elective share in the estate of a deceased spouse or domestic partner of the individual subject to conservatorship or renounce or disclaim a property interest;

(h) Grant a creditor priority for payment over creditors of the same or higher class if the creditor is providing property or services used to meet the basic living and care needs of the individual subject to conservatorship and preferential treatment otherwise would be impermissible under section 428(5) of this act; and

(i) Make, modify, amend, or revoke the will of the individual subject to conservatorship in compliance with chapter 11.12 RCW.

(2) In approving a conservator's exercise of a power listed in subsection (1) of this section, the court shall consider primarily the decision the individual subject to conservatorship would make if able, to the extent the decision can be ascertained.

(3) To determine under subsection (2) of this section the decision the individual subject to conservatorship would make if able, the court shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator. The court also shall consider:

(a) The financial needs of the individual subject to conservatorship and individuals who are in fact dependent on the individual subject to conservatorship for support, and the interests of creditors of the individual;

(b) Possible reduction of income, estate, inheritance, or other tax liabilities;

(c) Eligibility for governmental assistance;

(d) The previous pattern of giving or level of support provided by the individual;

(e) Any existing estate plan or lack of estate plan of the individual;

(f) The life expectancy of the individual and the probability the conservatorship will terminate before the individual's death; and

(g) Any other relevant factor.

(4) A conservator may not revoke or amend a power of attorney for finances executed by the individual subject to

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conservatorship. If a power of attorney for finances is in effect, a decision of the agent takes precedence over that of the conservator, unless the court orders otherwise.

NEW SECTION. Sec. 415. PETITION FOR ORDER AFTER APPOINTMENT. An individual subject to conservatorship or a person interested in the welfare of the individual may petition for an order:

- (1) Requiring the conservator to furnish a bond or collateral or additional bond or collateral or allowing a reduction in a bond or collateral previously furnished;
- (2) Requiring an accounting for the administration of the conservatorship estate;
- (3) Directing distribution;
- (4) Removing the conservator and appointing a temporary or successor conservator;
- (5) Modifying the type of appointment or powers granted to the conservator, if the extent of protection or management previously granted is excessive or insufficient to meet the individual's needs, including because the individual's abilities or supports have changed;
- (6) Rejecting or modifying the conservator's plan under section 419 of this act, the conservator's inventory under section 420 of this act, or the conservator's report under section 423 of this act; or
- (7) Granting other appropriate relief.

NEW SECTION. Sec. 416. BOND—ALTERNATIVE VERIFIED RECEIPT. (1) Except as otherwise provided in subsections (3) and (4) of this section, the court shall require a conservator to furnish a bond with a surety the court specifies, or require a verified receipt, conditioned on faithful discharge of all duties of the conservator. The court may waive the requirement only if the court finds that a bond or other verified receipt is not necessary to protect the interests of the individual subject to conservatorship. Except as otherwise provided in subsections (3) and (4) of this section, the court may not waive the requirement if the conservator is in the business of serving as a conservator and is being paid for the conservator's service.

(2) Unless the court directs otherwise, the bond required under this section must be in the amount of the aggregate capital value of the conservatorship estate, plus the estimated income for the accounting and report review interval, less the value of property deposited under a verified receipt requiring a court order for its removal and real property the conservator lacks power to sell or convey without specific court authorization. The court, in place of surety on a bond, may accept collateral for the performance of the bond, including a pledge of securities or a mortgage of real property.

(3) A regulated financial institution qualified to do trust business in this state is not required to give a bond under this section.

(4) In all conservatorships where the person subject to conservatorship has total assets of a value of less than three thousand dollars, the court may dispense with the requirement of a bond: PROVIDED, That the conservator swears to report to the court any changes in the total assets of the person subject to conservatorship increasing their value to over three thousand dollars: PROVIDED FURTHER, That the conservator files a yearly statement showing the monthly income of the person subject to conservatorship if such monthly income, excluding moneys from state or federal benefits, is over the sum of five hundred dollars per month for any three consecutive months.

NEW SECTION. Sec. 417. TERMS AND REQUIREMENTS OF BOND. (1) The following rules apply to the bond required under section 416 of this act:

(a) Except as otherwise provided by the bond, the surety and the conservator are jointly and severally liable.

(b) By executing a bond provided by a conservator, the surety submits to the personal jurisdiction of the court that issued letters of office to the conservator in a proceeding relating to the duties of the conservator in which the surety is named as a party. Notice of the proceeding must be given to the surety at the address shown in the records of the court in which the bond is filed and any other address of the surety then known to the person required to provide the notice.

(c) On petition of a successor conservator or person affected by a breach of the obligation of the bond, a proceeding may be brought against the surety for breach of the obligation of the bond.

(d) A proceeding against the bond may be brought until liability under the bond is exhausted.

(2) A proceeding may not be brought under this section against a surety of a bond on a matter as to which a proceeding against the conservator is barred.

(3) If a bond under section 416 of this act is not renewed by the conservator, the surety or sureties immediately shall give notice to the court and the individual subject to conservatorship.

NEW SECTION. Sec. 418. DUTIES OF CONSERVATOR. (1) A conservator is a fiduciary and has duties of prudence and loyalty to the individual subject to conservatorship.

(2) A conservator shall promote the self-determination of the individual subject to conservatorship and, to the extent feasible, encourage the individual to participate in decisions, act on the individual's own behalf, and develop or regain the capacity to manage the individual's personal affairs.

(3) In making a decision for an individual subject to conservatorship, the conservator shall make the decision the conservator reasonably believes the individual would make if able, unless doing so would fail to preserve the resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual. To determine the decision the individual would make if able, the conservator shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator.

(4) If a conservator cannot make a decision under subsection (3) of this section because the conservator does not know and cannot reasonably determine the decision the individual subject to conservatorship probably would make if able, or the conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual, the conservator shall act in accordance with the best interests of the individual. In determining the best interests of the individual, the conservator shall consider:

(a) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the individual;

(b) Other information the conservator believes the individual would have considered if the individual were able to act; and

(c) Other factors a reasonable person in the circumstances of the individual would consider, including consequences for others.

(5) Except when inconsistent with the conservator's duties under subsections (1) through (4) of this section, a conservator shall invest and manage the conservatorship estate as a prudent investor would, by considering:

(a) The circumstances of the individual subject to conservatorship and the conservatorship estate;

(b) General economic conditions;

- (c) The possible effect of inflation or deflation;
 - (d) The expected tax consequences of an investment decision or strategy;
 - (e) The role of each investment or course of action in relation to the conservatorship estate as a whole;
 - (f) The expected total return from income and appreciation of capital;
 - (g) The need for liquidity, regularity of income, and preservation or appreciation of capital; and
 - (h) The special relationship or value, if any, of specific property to the individual subject to conservatorship.
- (6) The propriety of a conservator's investment and management of the conservatorship estate is determined in light of the facts and circumstances existing when the conservator decides or acts and not by hindsight.

(7) A conservator shall make a reasonable effort to verify facts relevant to the investment and management of the conservatorship estate.

(8) A conservator that has special skills or expertise, or is named conservator in reliance on the conservator's representation of special skills or expertise, has a duty to use the special skills or expertise in carrying out the conservator's duties.

(9) In investing, selecting specific property for distribution, and invoking a power of revocation or withdrawal for the use or benefit of the individual subject to conservatorship, a conservator shall consider any estate plan of the individual known or reasonably ascertainable to the conservator and may examine the will or other donative, nominative, or appointive instrument of the individual.

(10) A conservator shall maintain insurance on the insurable real and personal property of the individual subject to conservatorship, unless the conservatorship estate lacks sufficient funds to pay for insurance or the court finds:

- (a) The property lacks sufficient equity; or
- (b) Insuring the property would unreasonably dissipate the conservatorship estate or otherwise not be in the best interest of the individual.

(11) If a power of attorney for finances is in effect, a conservator shall cooperate with the agent to the extent feasible.

(12) A conservator has access to and authority over a digital asset of the individual subject to conservatorship to the extent provided by the revised uniform fiduciary access to digital assets act (chapter 11.120 RCW) or court order.

(13) A conservator for an adult shall notify the court if the condition of the adult has changed so that the adult is capable of exercising rights previously removed. The notice must be given immediately on learning of the change.

(14) A conservator shall notify the court within thirty days of any substantial change in the value of the property of the person subject to conservatorship and shall provide a copy of the notice to the person subject to guardianship, a person entitled to notice under section 403 of this act or a subsequent order, and any other person the court has determined is entitled to notice and schedule a hearing for the court to review the adequacy of the bond or other verified receipt under sections 416 and 417 of this act.

NEW SECTION. Sec. 419. CONSERVATOR'S PLAN.

(1) A conservator, not later than ninety days after appointment, shall file with the court a plan for protecting, managing, expending, and distributing the assets of the conservatorship estate. The plan must be based on the needs of the individual subject to conservatorship and take into account the best interest of the individual as well as the individual's preferences, values, and prior directions, to the extent known to or reasonably ascertainable by the conservator. The conservator shall include in the plan:

(a) A budget containing projected expenses and resources, including an estimate of the total amount of fees the conservator anticipates charging per year and a statement or list of the amount the conservator proposes to charge for each service the conservator anticipates providing to the individual;

(b) How the conservator will involve the individual in decisions about management of the conservatorship estate;

(c) Any step the conservator plans to take to develop or restore the ability of the individual to manage the conservatorship estate; and

(d) An estimate of the duration of the conservatorship.

(2) A conservator shall give notice of the filing of the conservator's plan under subsection (1) of this section, together with a copy of the plan, to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and any other person the court determines. The notice must include a statement of the right to object to the plan and be given not later than fourteen days after the filing.

(3) An individual subject to conservatorship and any person entitled under subsection (2) of this section to receive notice and a copy of the conservator's plan may object to the plan.

(4) The court shall review the conservator's plan filed under subsection (1) of this section and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (3) of this section and whether the plan is consistent with the conservator's duties and powers. The court may not approve the plan until thirty days after its filing.

(5) After a conservator's plan under this section is approved by the court, the conservator shall provide a copy of the plan to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and any other person the court determines.

NEW SECTION. Sec. 420. INVENTORY—RECORDS.

(1) Not later than sixty days after appointment, a conservator shall prepare and file with the appointing court a detailed inventory of the conservatorship estate, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits.

(2) A conservator shall give notice of the filing of an inventory to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and any other person the court determines. The notice must be given not later than fourteen days after the filing.

(3) A conservator shall keep records of the administration of the conservatorship estate and make them available for examination on reasonable request of the individual subject to conservatorship, a guardian for the individual, or any other person the conservator or the court determines.

NEW SECTION. Sec. 421. ADMINISTRATIVE POWERS OF CONSERVATOR NOT REQUIRING COURT APPROVAL.

(1) Except as otherwise provided in section 414 of this act or qualified or limited in the court's order of appointment and stated in the letters of office, a conservator has all powers granted in this section and any additional power granted to a trustee by law of this state other than this chapter.

(2) A conservator, acting reasonably and consistent with the fiduciary duties of the conservator to accomplish the purpose of the conservatorship, without specific court authorization or confirmation, may with respect to the conservatorship estate:

(a) Collect, hold, and retain property, including property in which the conservator has a personal interest and real property in

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another state, until the conservator determines disposition of the property should be made;

- (b) Receive additions to the conservatorship estate;
- (c) Continue or participate in the operation of a business or other enterprise;
- (d) Acquire an undivided interest in property in which the conservator, in a fiduciary capacity, holds an undivided interest;
- (e) Invest assets;
- (f) Deposit funds or other property in a financial institution, including one operated by the conservator;
- (g) Acquire or dispose of property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon property;
- (h) Make ordinary or extraordinary repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new party wall or building;
- (i) Subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration, and dedicate an easement to public use without consideration;
- (j) Enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term within or extending beyond the term of the conservatorship;
- (k) Enter into a lease or arrangement for exploration and removal of minerals or other natural resources or a pooling or unitization agreement;
- (l) Grant an option involving disposition of property or accept or exercise an option for the acquisition of property;
- (m) Vote a security, in person or by general or limited proxy;
- (n) Pay a call, assessment, or other sum chargeable or accruing against or on account of a security;
- (o) Sell or exercise a stock subscription or conversion right;
- (p) Consent, directly or through a committee or agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;
- (q) Hold a security in the name of a nominee or in other form without disclosure of the conservatorship so that title to the security may pass by delivery;
- (r) Insure:
 - (i) The conservatorship estate, in whole or in part, against damage or loss in accordance with section 418(10) of this act; and
 - (ii) The conservator against liability with respect to a third person;
- (s) Borrow funds, with or without security, to be repaid from the conservatorship estate or otherwise;
- (t) Advance funds for the protection of the conservatorship estate or the individual subject to conservatorship and all expenses, losses, and liability sustained in the administration of the conservatorship estate or because of holding any property for which the conservator has a lien on the conservatorship estate;
- (u) Pay or contest a claim, settle a claim by or against the conservatorship estate or the individual subject to conservatorship by compromise, arbitration, or otherwise, or release, in whole or in part, a claim belonging to the conservatorship estate to the extent the claim is uncollectible;
- (v) Pay a tax, assessment, compensation of the conservator or any guardian, and other expense incurred in the collection, care, administration, and protection of the conservatorship estate;
- (w) Pay a sum distributable to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship by paying the sum to the distributee or for the use of the distributee:
 - (i) To the guardian for the distributee;

- (ii) To the custodian of the distributee under the uniform transfers to minors act (chapter 11.114 RCW); or
- (iii) If there is no guardian, custodian, or custodial trustee, to a relative or other person having physical custody of the distributee;
- (x) Bring or defend an action, claim, or proceeding in any jurisdiction for the protection of the conservatorship estate or the conservator in the performance of the conservator's duties;
- (y) Structure the finances of the individual subject to conservatorship to establish eligibility for a public benefit, including by making gifts consistent with the individual's preferences, values, and prior directions, if the conservator's action does not jeopardize the individual's welfare and otherwise is consistent with the conservator's duties; and
- (z) Execute and deliver any instrument that will accomplish or facilitate the exercise of a power of the conservator.

NEW SECTION. Sec. 422. DISTRIBUTION FROM CONSERVATORSHIP ESTATE. Except as otherwise provided in section 414 of this act or qualified or limited in the court's order of appointment and stated in the letters of office, and unless contrary to a conservator's plan under section 419 of this act, the conservator may expend or distribute income or principal of the conservatorship estate without specific court authorization or confirmation for the support, care, education, health, or welfare of the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship, including the payment of child or spousal support, in accordance with the following rules:

- (1) The conservator shall consider a recommendation relating to the appropriate standard of support, care, education, health, or welfare for the individual subject to conservatorship or individual who is dependent on the individual subject to conservatorship, made by a guardian for the individual subject to conservatorship, if any, and, if the individual subject to conservatorship is a minor, a recommendation made by a parent of the minor.
- (2) The conservator acting in compliance with the conservator's duties under section 418 of this act is not liable for an expenditure or distribution made based on a recommendation under subsection (1) of this section unless the conservator knows the expenditure or distribution is not in the best interest of the individual subject to conservatorship.
- (3) In making an expenditure or distribution under this section, the conservator shall consider:
 - (a) The size of the conservatorship estate, the estimated duration of the conservatorship, and the likelihood the individual subject to conservatorship, at some future time, may be fully self-sufficient and able to manage the individual's financial affairs and the conservatorship estate;
 - (b) The accustomed standard of living of the individual subject to conservatorship and individual who is dependent on the individual subject to conservatorship;
 - (c) Other funds or source used for the support of the individual subject to conservatorship; and
 - (d) The preferences, values, and prior directions of the individual subject to conservatorship.
- (4) Funds expended or distributed under this section may be paid by the conservator to any person, including the individual subject to conservatorship, as reimbursement for expenditures the conservator might have made, or in advance for services to be provided to the individual subject to conservatorship or individual who is dependent on the individual subject to conservatorship if it is reasonable to expect the services will be performed and advance payment is customary or reasonably necessary under the circumstances.

NEW SECTION. Sec. 423. CONSERVATOR'S REPORT AND ACCOUNTING—MONITORING. (1) A conservator shall file with the court by the date established by the court a report in a record regarding the administration of the conservatorship estate unless the court otherwise directs, on resignation or removal, on termination of the conservatorship, and at any other time the court directs.

(2) A report under subsection (1) of this section must state or contain:

(a) An accounting that lists property included in the conservatorship estate and the receipts, disbursements, liabilities, and distributions during the period for which the report is made;

(b) A list of the services provided to the individual subject to conservatorship;

(c) A copy of the conservator's most recently approved plan and a statement whether the conservator has deviated from the plan and, if so, how the conservator has deviated and why;

(d) A recommendation as to the need for continued conservatorship and any recommended change in the scope of the conservatorship;

(e) To the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts, and mortgages or other debts of the individual subject to conservatorship with all but the last four digits of the account numbers and social security number redacted;

(f) Anything of more than de minimis value which the conservator, any individual who resides with the conservator, or the spouse, domestic partner, parent, child, or sibling of the conservator has received from a person providing goods or services to the individual subject to conservatorship;

(g) Any business relation the conservator has with a person the conservator has paid or that has benefited from the property of the individual subject to conservatorship; and

(h) Whether any co-conservator or successor conservator appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a visitor to review a report under this section or conservator's plan under section 419 of this act, interview the individual subject to conservatorship or conservator, or investigate any other matter involving the conservatorship. In connection with the report, the court may order the conservator to submit the conservatorship estate to appropriate examination in a manner the court directs.

(4) Notice of the filing under this section of a conservator's report, together with a copy of the report, must be provided to the individual subject to conservatorship, a person entitled to notice under section 411(6) of this act or a subsequent order, and other persons the court determines. The notice and report must be given not later than fourteen days after filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report at least annually to determine whether:

(a) The reports provide sufficient information to establish the conservator has complied with the conservator's duties;

(b) The conservatorship should continue; and

(c) The conservator's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a conservator has not complied with the conservator's duties or the conservatorship should not continue, the court:

(a) Shall notify the individual subject to conservatorship, the conservator, and any other person entitled to notice under section 411(6) of this act or a subsequent order;

(b) May require additional information from the conservator;

(c) May appoint a visitor to interview the individual subject to conservatorship or conservator or investigate any matter involving the conservatorship; and

(d) Consistent with sections 430 and 431 of this act, may hold a hearing to consider removal of the conservator, termination of the conservatorship, or a change in the powers granted to the conservator or terms of the conservatorship.

(7) If the court has reason to believe fees requested by a conservator are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A conservator must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) An order, after notice and hearing, approving an interim report of a conservator filed under this section adjudicates liabilities concerning a matter adequately disclosed in the report, as to a person given notice of the report or accounting.

(10) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review at annual, biennial, or triennial intervals with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the conservator has been serving the person under conservatorship; whether the conservator has timely filed all required reports with the court; whether the conservator is monitored by other state or local agencies; the income of the person subject to conservatorship; the value of the property of the person subject to conservatorship; the adequacy of the bond and other verified receipt; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the conservator.

(11) If the court approves a report filed under this section, the order approving the report shall contain a conservatorship summary or accompanied by a conservatorship summary in the form or substantially in the same form as set forth in section 606 of this act.

(12) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in section 605 of this act to the conservator containing an expiration date which will be within one hundred twenty days after the date the court directs the conservator file its next report.

(13) An order, after notice and hearing, approving a final report filed under this section discharges the conservator from all liabilities, claims, and causes of action by a person given notice of the report and the hearing as to a matter adequately disclosed in the report.

(14) Any requirement to establish a monitoring program under this section is subject to appropriation.

NEW SECTION. Sec. 424. ATTEMPTED TRANSFER OF PROPERTY BY INDIVIDUAL SUBJECT TO CONSERVATORSHIP. (1) The interest of an individual subject to conservatorship in property included in the conservatorship estate is not transferable or assignable by the individual and is not subject to levy, garnishment, or similar process for claims against the individual unless allowed under section 428 of this act.

(2) If an individual subject to conservatorship enters into a contract after having the right to enter the contract removed by the court, the contract is void against the individual and the

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individual's property but is enforceable against the person that contracted with the individual.

(3) A person other than the conservator that deals with an individual subject to conservatorship with respect to property included in the conservatorship estate is entitled to protection provided by law of this state other than this chapter.

NEW SECTION. Sec. 425. TRANSACTION INVOLVING CONFLICT OF INTEREST. A transaction involving a conservatorship estate which is affected by a substantial conflict between the conservator's fiduciary duties and personal interests is voidable unless the transaction is authorized by court order after notice to persons entitled to notice under section 411(6) of this act or a subsequent order. A transaction affected by a substantial conflict includes a sale, encumbrance, or other transaction involving the conservatorship estate entered into by the conservator, an individual with whom the conservator resides, the spouse, domestic partner, descendant, sibling, agent, or attorney of the conservator, or a corporation or other enterprise in which the conservator has a substantial beneficial interest.

NEW SECTION. Sec. 426. PROTECTION OF PERSON DEALING WITH CONSERVATOR. (1) A person that assists or deals with a conservator in good faith and for value in any transaction, other than a transaction requiring a court order under section 414 of this act, is protected as though the conservator properly exercised any power in question. Knowledge by a person that the person is dealing with a conservator alone does not require the person to inquire into the existence of authority of the conservator or the propriety of the conservator's exercise of authority, but restrictions on authority stated in letters of office, or otherwise provided by law, are effective as to the person. A person that pays or delivers property to a conservator is not responsible for proper application of the property.

(2) Protection under subsection (1) of this section extends to a procedural irregularity or jurisdictional defect in the proceeding leading to the issuance of letters of office and does not substitute for protection for a person that assists or deals with a conservator provided by comparable provisions in law of this state other than this chapter relating to a commercial transaction or simplifying a transfer of securities by a fiduciary.

NEW SECTION. Sec. 427. DEATH OF INDIVIDUAL SUBJECT TO CONSERVATORSHIP. (1) If an individual subject to conservatorship dies, the conservator shall deliver to the court for safekeeping any will of the individual in the conservator's possession and inform the personal representative named in the will if feasible, or if not feasible, a beneficiary named in the will, of the delivery.

(2) If forty days after the death of an individual subject to conservatorship no personal representative has been appointed and no application or petition for appointment is before the court, the conservator may apply to exercise the powers and duties of a personal representative to administer and distribute the decedent's estate. The conservator shall give notice of his or her appointment and the pendency of any probate proceedings as provided in RCW 11.28.237 and shall also give notice to a person nominated as personal representative by a will of the decedent of which the conservator is aware. The court may grant the application if there is no objection and endorse the letters of office to note that the individual formerly subject to conservatorship is deceased and the conservator has acquired the powers and duties of a personal representative.

(3) On the death of an individual subject to conservatorship, the conservator shall conclude the administration of the conservatorship estate as provided in section 431 of this act.

NEW SECTION. Sec. 428. PRESENTATION AND ALLOWANCE OF CLAIM. (1) A conservator may pay, or secure by encumbering property included in the conservatorship estate, a claim against the conservatorship estate or the individual subject to conservatorship arising before or during the conservatorship, on presentation and allowance in accordance with the priorities under subsection (4) of this section. A claimant may present a claim by:

(a) Sending or delivering to the conservator a statement in a record of the claim, indicating its basis, the name and address of the claimant, and the amount claimed; or

(b) Filing the claim with the court, in a form acceptable to the court, and sending or delivering a copy of the claim to the conservator.

(2) A claim under subsection (1) of this section is presented on receipt by the conservator of the statement of the claim or the filing with the court of the claim, whichever first occurs. A presented claim is allowed if it is not disallowed in whole or in part by the conservator in a record sent or delivered to the claimant not later than sixty days after its presentation. Before payment, the conservator may change an allowance of the claim to a disallowance in whole or in part, but not after allowance under a court order or order directing payment of the claim. Presentation of a claim tolls until thirty days after disallowance of the claim the running of a statute of limitations that has not expired relating to the claim.

(3) A claimant whose claim under subsection (1) of this section has not been paid may petition the court to determine the claim at any time before it is barred by a statute of limitations, and the court may order its allowance, payment, or security by encumbering property included in the conservatorship estate. If a proceeding is pending against the individual subject to conservatorship at the time of appointment of the conservator or is initiated thereafter, the moving party shall give the conservator notice of the proceeding if it could result in creating a claim against the conservatorship estate.

(4) If a conservatorship estate is likely to be exhausted before all existing claims are paid, the conservator shall distribute the estate in money or in kind in payment of claims in the following order:

(a) Costs and expenses of administration;

(b) A claim of the federal or state government having priority under law other than this chapter;

(c) A claim incurred by the conservator for support, care, education, health, or welfare previously provided to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship;

(d) A claim arising before the conservatorship; and

(e) All other claims.

(5) Preference may not be given in the payment of a claim under subsection (4) of this section over another claim of the same class. A claim due and payable may not be preferred over a claim not due unless:

(a) Doing so would leave the conservatorship estate without sufficient funds to pay the basic living and health care expenses of the individual subject to conservatorship; and

(b) The court authorizes the preference under section 414(1)(h) of this act.

(6) If assets of a conservatorship estate are adequate to meet all existing claims, the court, acting in the best interest of the individual subject to conservatorship, may order the conservator to grant a security interest in the conservatorship estate for payment of a claim at a future date.

NEW SECTION. Sec. 429. PERSONAL LIABILITY OF CONSERVATOR. (1) Except as otherwise agreed by a

conservator, the conservator is not personally liable on a contract properly entered into in a fiduciary capacity in the course of administration of the conservatorship estate unless the conservator fails to reveal the conservator's representative capacity in the contract or before entering into the contract.

(2) A conservator is personally liable for an obligation arising from control of property of the conservatorship estate or an act or omission occurring in the course of administration of the conservatorship estate only if the conservator is personally at fault.

(3) A claim based on a contract entered into by a conservator in a fiduciary capacity, an obligation arising from control of property included in the conservatorship estate, or a tort committed in the course of administration of the conservatorship estate may be asserted against the conservatorship estate in a proceeding against the conservator in a fiduciary capacity, whether or not the conservator is personally liable for the claim.

(4) A question of liability between a conservatorship estate and the conservator personally may be determined in a proceeding for accounting, surcharge, or indemnification or another appropriate proceeding or action.

NEW SECTION. Sec. 430. REMOVAL OF CONSERVATOR—APPOINTMENT OF SUCCESSOR.

(1) The court may remove a conservator for failure to perform the conservator's duties or other good cause and appoint a successor conservator to assume the duties of the conservator.

(2) The court shall hold a hearing to determine whether to remove a conservator and appoint a successor on:

(a) Petition of the individual subject to conservatorship, conservator, or person interested in the welfare of the individual which contains allegations that, if true, would support a reasonable belief that removal of the conservator and appointment of a successor may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(b) Communication from the individual subject to conservatorship, conservator, or person interested in the welfare of the individual which supports a reasonable belief that removal of the conservator and appointment of a successor may be appropriate; or

(c) Determination by the court that a hearing would be in the best interest of the individual subject to conservatorship.

(3) Notice of a hearing under subsection (2)(a) of this section and notice of the individual's right to be represented at the hearing by counsel of the individual's choosing must be given to the individual subject to conservatorship, the conservator, and any other person the court determines.

(4) An individual subject to conservatorship who seeks to remove the conservator and have a successor appointed has the right to choose an attorney to represent the individual in this matter. The court shall award reasonable attorneys' fees to the attorney as provided in section 120 of this act.

(5) In selecting a successor conservator, the court shall follow the priorities under section 410 of this act.

(6) Not later than fourteen days after appointing a successor conservator, the successor conservator shall give notice of the appointment to the individual subject to conservatorship and any person entitled to notice under section 411(6) of this act or a subsequent order.

NEW SECTION. Sec. 431. TERMINATION OR MODIFICATION OF CONSERVATORSHIP.

(1) A conservatorship for a minor terminates on the earliest of:

(a) A court order terminating the conservatorship;

(b) The minor becoming an adult or, if the minor consents or the court finds by clear and convincing evidence that substantial harm to the minor's interests is otherwise likely, attaining twenty-one years of age;

(c) Emancipation of the minor; or

(d) Death of the minor.

(2) A conservatorship for an adult terminates on order of the court or when the adult dies.

(3) An individual subject to conservatorship, the conservator, or a person interested in the welfare of the individual may petition for:

(a) Termination of the conservatorship on the ground that a basis for appointment under section 401 of this act does not exist or termination would be in the best interest of the individual or for other good cause; or

(b) Modification of the conservatorship on the ground that the extent of protection or assistance granted is not appropriate or for other good cause.

(4) The court shall hold a hearing to determine whether termination or modification of a conservatorship is appropriate on:

(a) Petition under subsection (3) of this section that contains allegations that, if true, would support a reasonable belief that termination or modification of the conservatorship may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed within the preceding six months;

(b) A communication from the individual subject to conservatorship, conservator, or person interested in the welfare of the individual which supports a reasonable belief that termination or modification of the conservatorship may be appropriate, including because the functional needs of the individual or supports or services available to the individual have changed;

(c) A report from a guardian or conservator which indicates that termination or modification may be appropriate because the functional needs or supports or services available to the individual have changed or a protective arrangement instead of conservatorship or other less restrictive alternative is available; or

(d) A determination by the court that a hearing would be in the best interest of the individual.

(5) Notice of a petition under subsection (3) of this section must be given to the individual subject to conservatorship, the conservator, and any such other person the court determines.

(6) On presentation of prima facie evidence for termination of a conservatorship, the court shall order termination unless it is proven that a basis for appointment of a conservator under section 401 of this act exists.

(7) The court shall modify the powers granted to a conservator if the powers are excessive or inadequate due to a change in the abilities or limitations of the individual subject to conservatorship, the individual's supports, or other circumstances.

(8) Unless the court otherwise orders for good cause, before terminating a conservatorship, the court shall follow the same procedures to safeguard the rights of the individual subject to conservatorship which apply to a petition for conservatorship.

(9) An individual subject to conservatorship who seeks to terminate or modify the terms of the conservatorship has the right to choose an attorney to represent the individual in this matter. The court shall award reasonable attorneys' fees to the attorney as provided in section 120 of this act.

(10) On termination of a conservatorship other than by reason of the death of the individual subject to conservatorship, property of the conservatorship estate passes to the individual. The order of termination must direct the conservator to file a final report and petition for discharge on approval by the court of the final report.

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(11) On termination of a conservatorship by reason of the death of the individual subject to conservatorship, the conservator shall file a final report and petition for discharge on approval by the court of the final report within ninety days of death of the person subject to conservatorship. On approval of the final report, the conservator shall proceed expeditiously to distribute the conservatorship estate to the individual's estate or as otherwise ordered by the court. The conservator may take reasonable measures necessary to preserve the conservatorship estate until distribution can be made.

(12) The court shall issue a final order of discharge on the approval by the court of the final report and satisfaction by the conservator of any other condition the court imposed on the conservator's discharge.

NEW SECTION. Sec. 432. TRANSFER FOR BENEFIT OF MINOR WITHOUT APPOINTMENT OF CONSERVATOR. (1) Unless a person required to transfer funds or other property to a minor knows that a conservator for the minor has been appointed or a proceeding is pending for conservatorship, the person may transfer an amount or value not exceeding fifteen thousand dollars in a twelve-month period to:

- (a) A person that has care or custody of the minor and with whom the minor resides;
- (b) A guardian for the minor;
- (c) A custodian under the uniform transfers to minors act (chapter 11.114 RCW); or
- (d) A financial institution as a deposit in an interest-bearing account or certificate solely in the name of the minor and shall give notice to the minor of the deposit.

(2) A person that transfers funds or other property under this section is not responsible for its proper application.

(3) A person that receives funds or other property for a minor under subsection (1)(a) or (b) of this section may apply it only to the support, care, education, health, or welfare of the minor, and may not derive a personal financial benefit from it, except for reimbursement for necessary expenses. Funds not applied for these purposes must be preserved for the future support, care, education, health, or welfare of the minor, and the balance, if any, transferred to the minor when the minor becomes an adult or otherwise is emancipated.

ARTICLE 5

OTHER PROTECTIVE ARRANGEMENTS

NEW SECTION. Sec. 501. AUTHORITY FOR PROTECTIVE ARRANGEMENT. (1) Under this article, a court:

(a) On receiving a petition for a guardianship for an adult may order a protective arrangement instead of guardianship as a less restrictive alternative to guardianship; and

(b) On receiving a petition for a conservatorship for an individual may order a protective arrangement instead of conservatorship as a less restrictive alternative to conservatorship.

(2) A person interested in an adult's welfare, including the adult or a conservator for the adult, may petition under this article for a protective arrangement instead of guardianship.

(3) The following persons may petition under this article for a protective arrangement instead of conservatorship:

- (a) The individual for whom the protective arrangement is sought;
- (b) A person interested in the property, financial affairs, or welfare of the individual, including a person that would be affected adversely by lack of effective management of property or financial affairs of the individual; and
- (c) The guardian for the individual.

NEW SECTION. Sec. 502. BASIS FOR PROTECTIVE ARRANGEMENT INSTEAD OF GUARDIANSHIP FOR ADULT. (1) After the hearing on a petition under section 302 of this act for a guardianship or under section 501(2) of this act for a protective arrangement instead of guardianship, the court may issue an order under subsection (2) of this section for a protective arrangement instead of guardianship if the court finds by clear and convincing evidence that:

(a) The respondent lacks the ability to meet essential requirements for physical health, safety, or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; and

(b) The respondent's identified needs cannot be met by a less restrictive alternative.

(2) If the court makes the findings under subsection (1) of this section, the court, instead of appointing a guardian, may:

(a) Authorize or direct a transaction necessary to meet the respondent's need for health, safety, or care, including:

- (i) A particular medical treatment or refusal of a particular medical treatment;
- (ii) A move to a specified place of dwelling; or
- (iii) Visitation or supervised visitation between the respondent and another person;

(b) Restrict access to the respondent by a specified person whose access places the respondent at serious risk of physical, psychological, or financial harm; and

(c) Reorder other arrangements on a limited basis that are appropriate.

(3) In deciding whether to issue an order under this section, the court shall consider the factors under sections 314 and 315 of this act that a guardian must consider when making a decision on behalf of an adult subject to guardianship.

NEW SECTION. Sec. 503. BASIS FOR PROTECTIVE ARRANGEMENT INSTEAD OF CONSERVATORSHIP FOR ADULT OR MINOR. (1) After the hearing on a petition under section 402 of this act for conservatorship for an adult or under section 501(3) of this act for a protective arrangement instead of a conservatorship for an adult, the court may issue an order under subsection (3) of this section for a protective arrangement instead of conservatorship for the adult if the court finds by clear and convincing evidence that:

(a) The adult is unable to manage property or financial affairs because:

(i) Of a limitation in the ability to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance, or supported decision making; or

(ii) The adult is missing, detained, or unable to return to the United States;

(b) An order under subsection (3) of this section is necessary to:

(i) Avoid harm to the adult or significant dissipation of the property of the adult; or

(ii) Obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult or an individual entitled to the adult's support; and

(c) The respondent's identified needs cannot be met by a less restrictive alternative.

(2) After the hearing on a petition under section 402 of this act for conservatorship for a minor or under section 501(3) of this act for a protective arrangement instead of conservatorship for a minor, the court may issue an order under subsection (3) of this section for a protective arrangement instead of conservatorship

for the respondent if the court finds by a preponderance of the evidence that the arrangement is in the minor's best interest, and:

(a) If the minor has a parent, the court gives weight to any recommendation of the parent whether an arrangement is in the minor's best interest;

(b) Either:

(i) The minor owns money or property requiring management or protection that otherwise cannot be provided;

(ii) The minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(iii) The arrangement is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the minor; and

(iv) The order under subsection (3) of this section is necessary or desirable to obtain or provide money needed for the support, care, education, health, or welfare of the minor.

(3) If the court makes the findings under subsection (1) or (2) of this section, the court, instead of appointing a conservator, may:

(a) Authorize or direct a transaction necessary to protect the financial interest or property of the respondent, including:

(i) An action to establish eligibility for benefits;

(ii) Payment, delivery, deposit, or retention of funds or property;

(iii) Sale, mortgage, lease, or other transfer of property;

(iv) Purchase of an annuity;

(v) Entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training, or employment;

(vi) Addition to or establishment of a trust;

(vii) Ratification or invalidation of a contract, trust, will, or other transaction, including a transaction related to the property or business affairs of the respondent; or

(viii) Settlement of a claim; or

(b) Restrict access to the respondent's property by a specified person whose access to the property places the respondent at serious risk of financial harm.

(4) After the hearing on a petition under section 501 (1)(b) or (3) of this act, whether or not the court makes the findings under subsection (1) or (2) of this section, the court may issue an order to restrict access to the respondent or the respondent's property by a specified person that the court finds by clear and convincing evidence:

(a) Through fraud, coercion, duress, or the use of deception and control caused or attempted to cause an action that would have resulted in financial harm to the respondent or the respondent's property; and

(b) Poses a serious risk of substantial financial harm to the respondent or the respondent's property.

(5) Before issuing an order under subsection (3) or (4) of this section, the court shall consider the factors under section 418 of this act a conservator must consider when making a decision on behalf of an individual subject to conservatorship.

(6) Before issuing an order under subsection (3) or (4) of this section for a respondent who is a minor, the court also shall consider the best interest of the minor, the preference of the parents of the minor, and the preference of the minor, if the minor is twelve years of age or older.

NEW SECTION. Sec. 504. PETITION FOR PROTECTIVE ARRANGEMENT. A petition for a protective arrangement instead of guardianship or conservatorship must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the protective arrangement, the name and address of any attorney

representing the petitioner, and, to the extent known, the following:

(1) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(2) The name and address of the respondent's:

(a) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period before the filing of the petition;

(b) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(c) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the petition;

(3) The name and current address of each of the following, if applicable:

(a) A person responsible for the care or custody of the respondent;

(b) Any attorney currently representing the respondent;

(c) The representative payee appointed by the social security administration for the respondent;

(d) A guardian or conservator acting for the respondent in this state or another jurisdiction;

(e) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(f) The fiduciary appointed for the respondent by the department of veterans affairs;

(g) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(h) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(i) A person nominated as guardian or conservator by the respondent if the respondent is twelve years of age or older;

(j) A person nominated as guardian by the respondent's parent, spouse, or domestic partner in a will or other signed record;

(k) A person known to have routinely assisted the respondent with decision making in the six-month period immediately before the filing of the petition; and

(l) If the respondent is a minor:

(i) An adult not otherwise listed with whom the respondent resides; and

(ii) Each person not otherwise listed that had primary care or custody of the respondent for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(4) The nature of the protective arrangement sought;

(5) The reason the protective arrangement sought is necessary, including a brief description of:

(a) The nature and extent of the respondent's alleged need;

(b) Any less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;

(c) If no less restrictive alternative has been considered or implemented, the reason less restrictive alternatives have not been considered or implemented; and

(d) The reason other less restrictive alternatives are insufficient to meet the respondent's alleged need;

(6) The name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;

(7) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings;

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(8) If a protective arrangement instead of guardianship is sought and the respondent has property other than personal effects, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts; and

(9) If a protective arrangement instead of conservatorship is sought, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts.

NEW SECTION. Sec. 505. NOTICE AND HEARING.

(1) All petitions filed under section 504 of this act for appointment of a guardian for an adult shall be heard within sixty days unless an extension of time is requested by a party or the visitor within such sixty-day period and granted for good cause shown.

(2) A copy of a petition under section 501 of this act and notice of a hearing on the petition must be served personally on the respondent and the visitor appointed under section 506 of this act not more than five court days after the petition under section 504 of this act has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the petition. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent.

(3) In a proceeding on a petition under section 501 of this act, the notice required under subsection (2) of this section must be given to the persons required to be listed in the petition under section 504 (1) through (3) of this act and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from granting the petition.

(4) After the court has ordered a protective arrangement under this article, notice of a hearing on a petition filed under this chapter, together with a copy of the petition, must be given to the respondent and any other person the court determines.

NEW SECTION. Sec. 506. APPOINTMENT AND ROLE OF VISITOR. (1) On filing of a petition under section 501 of this act for a protective arrangement instead of guardianship, the court shall appoint a visitor. The visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) On filing of a petition under section 501 of this act for a protective arrangement instead of conservatorship for a minor, the court may appoint a visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(3) On filing of a petition under section 501 of this act or a protective arrangement instead of conservatorship for an adult, the court shall appoint a visitor unless the respondent is represented by an attorney appointed by the court. The visitor must be an individual with training or experience in the types of abilities, limitations, and needs alleged in the petition.

(4) The court, in the order appointing visitor, shall specify the hourly rate the visitor may charge for his or her services, and shall specify the maximum amount the visitor may charge without additional court review and approval.

(5)(a) The visitor appointed under subsection (1) or (3) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party

entitled to notice under section 116 of this act with a statement including: His or her training relating to the duties as a visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the visitor should not be removed for one of the following three reasons:

(i) Lack of expertise necessary for the proceeding;

(ii) An hourly rate higher than what is reasonable for the particular proceeding; or

(iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the visitor and all parties. If, after a hearing, the court enters an order replacing the visitor, findings shall be included, expressly stating the reasons for the removal. If the visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(6) A visitor appointed under subsection (1) or (3) of this section shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, and the respondent's rights at the hearing on the petition;

(b) Determine the respondent's views with respect to the order sought;

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets;

(d) If the petitioner seeks an order related to the dwelling of the respondent, visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted;

(e) If a protective arrangement instead of guardianship is sought, obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition;

(f) If a protective arrangement instead of conservatorship is sought, review financial records of the respondent, if relevant to the visitor's recommendation under subsection (7)(b) of this section; and

(g) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

(7) A visitor under this section promptly shall file a report in a record with the court, which must include:

(a) To the extent relevant to the order sought, a summary of self-care, independent living tasks, and financial management tasks the respondent:

(i) Can manage without assistance or with existing supports;

(ii) Could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making; and

(iii) Cannot manage;

(b) A recommendation regarding the appropriateness of the protective arrangement sought and whether a less restrictive alternative for meeting the respondent's needs is available;

(c) If the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling;

(d) A recommendation whether a professional evaluation under section 508 of this act is necessary;

(e) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(f) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(g) Any other matter the court directs.

NEW SECTION. Sec. 507. APPOINTMENT AND ROLE OF ATTORNEY. (1)(a) The respondent shall have the right to be represented by a willing attorney of their choosing at any stage in protective arrangement proceedings.

(b) Unless the respondent in a proceeding under this article is represented by an attorney, the court is not required, but may appoint an attorney to represent the respondent, regardless of the respondent's ability to pay, except as provided otherwise in (c) of this subsection.

(c)(i) The court must appoint an attorney to represent the respondent at public expense when either:

(A) The respondent is unable to afford an attorney;

(B) The expense of an attorney would result in substantial hardship to the respondent; or

(C) The respondent does not have practical access to funds with which to pay an attorney. If the respondent can afford an attorney but lacks practical access to funds, the court must provide an attorney and may impose a reimbursement requirement as part of a final order.

(ii) When, in the opinion of the court, the rights and interests of the respondent cannot otherwise be adequately protected and represented, the court on its own motion must appoint an attorney at any time to represent the respondent.

(iii) An attorney must be provided under this subsection (1)(c) as soon as practicable after a petition is filed and long enough before any final hearing to allow adequate time for consultation and preparation. Absent a convincing showing in the record to the contrary, a period of less than three weeks is presumed by a reviewing court to be inadequate time for consultation and preparation.

(2) An attorney representing the respondent in a proceeding under this article shall:

(a) Make reasonable efforts to ascertain the respondent's wishes;

(b) Advocate for the respondent's wishes to the extent reasonably ascertainable; and

(c) If the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive alternative in type, duration, and scope, consistent with the respondent's interests.

(3) The court is not required, but may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under this article if:

(a) The parent objects to the entry of an order for a protective arrangement instead of guardianship or conservatorship;

(b) The court determines that counsel is needed to ensure that consent to the entry of an order for a protective arrangement is informed; or

(c) The court otherwise determines the parent needs representation.

NEW SECTION. Sec. 508. PROFESSIONAL EVALUATION. (1) At or before a hearing on a petition under this article for a protective arrangement, the court shall order a professional evaluation of the respondent:

(a) If the respondent requests the evaluation; or

(b) In other cases, unless the court finds that it has sufficient information to determine the respondent's needs and abilities without the evaluation.

(2) If the court orders an evaluation under subsection (1) of this section, the respondent must be examined by a licensed physician, psychologist, social worker, or other individual appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest. The individual conducting the evaluation promptly shall file a report in a record with the court. Unless otherwise directed by the court, the report must contain:

(a) A description of the nature, type, and extent of the respondent's cognitive and functional abilities and limitations;

(b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;

(c) A prognosis for improvement, including with regard to the ability to manage the respondent's property and financial affairs if a limitation in that ability is alleged, and recommendation for the appropriate treatment, support, or habilitation plan; and

(d) The date of the examination on which the report is based.

(3) The respondent may decline to participate in an evaluation ordered under subsection (1) of this section.

NEW SECTION. Sec. 509. ATTENDANCE AND RIGHTS AT HEARING. (1) Except as otherwise provided in subsection (2) of this section, a hearing under this article may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(2) A hearing under this article may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(a) The respondent consistently and repeatedly has refused to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so;

(b) There is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance; or

(c) The respondent is a minor who has received proper notice and attendance would be harmful to the minor.

(3) The respondent may be assisted in a hearing under this article by a person or persons of the respondent's choosing, assistive technology, or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(4) The respondent has a right to choose an attorney to represent the respondent at a hearing under this article.

(5) At a hearing under this article, the respondent may:

(a) Present evidence and subpoena witnesses and documents;

(b) Examine witnesses, including any court-appointed evaluator and the visitor; and

(c) Otherwise participate in the hearing.

(6) A hearing under this article must be closed on request of the respondent and a showing of good cause.

(7) Any person may request to participate in a hearing under this article. The court may grant the request, with or without a hearing, on determining that the best interests of the respondent

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will be served. The court may impose appropriate conditions on the person's participation.

NEW SECTION. Sec. 510. NOTICE OF ORDER. The court shall give notice of an order under this article to the individual who is subject to the protective arrangement instead of guardianship or conservatorship, a person whose access to the individual is restricted by the order, and any other person the court determines.

NEW SECTION. Sec. 511. CONFIDENTIALITY OF RECORDS. (1) The existence of a proceeding for or the existence of a protective arrangement instead of guardianship or conservatorship is a matter of public record unless the court seals the record after:

(a) The respondent, the individual subject to the protective arrangement, or the parent of a minor subject to the protective arrangement requests the record be sealed; and

(b) Either:

(i) The proceeding is dismissed;

(ii) The protective arrangement is no longer in effect; or

(iii) An act authorized by the order granting the protective arrangement has been completed.

(2) A respondent, an individual subject to a protective arrangement instead of guardianship or conservatorship, an attorney designated by the respondent or individual, a parent of a minor subject to a protective arrangement, and any other person the court determines are entitled to access court records of the proceeding and resulting protective arrangement. A person not otherwise entitled access to court records under this subsection for good cause may petition the court for access. The court shall grant access if access is in the best interest of the respondent or individual subject to the protective arrangement or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(3) A report of a visitor or professional evaluation generated in the course of a proceeding under this article must be sealed on filing but is available to:

(a) The court;

(b) The individual who is the subject of the report or evaluation, without limitation as to use;

(c) The petitioner, visitor, and petitioner's and respondent's attorneys, for purposes of the proceeding;

(d) Unless the court orders otherwise, an agent appointed under a power of attorney for finances in which the respondent is the principal;

(e) If the order is for a protective arrangement instead of guardianship and unless the court orders otherwise, an agent appointed under a power of attorney for health care in which the respondent is identified as the principal; and

(f) Any other person if it is in the public interest or for a purpose the court orders for good cause.

NEW SECTION. Sec. 512. APPOINTMENT OF SPECIAL AGENT. The court may appoint a special agent, to assist in implementing a protective arrangement under this article. The special agent has the authority conferred by the order of appointment and serves until discharged by court order.

**ARTICLE 6
FORMS**

NEW SECTION. Sec. 601. USE OF FORMS. Unless otherwise provided in this chapter, use of the forms contained in this article is optional. Failure to use these forms does not prejudice any party.

NEW SECTION. Sec. 602. PETITION FOR GUARDIANSHIP FOR MINOR. This form may be used to petition for guardianship for a minor.

Petition for Guardianship for Minor

State of:

County of:

Name and address of attorney representing petitioner, if applicable:

Note to petitioner: This form can be used to petition for a guardian for a minor. A court may appoint a guardian for a minor who does not have a guardian if the court finds the appointment is in the minor's best interest, and: The parents, after being fully informed of the nature and consequences of guardianship, consent; all parental rights have been terminated; or the court finds by clear and convincing evidence that the parents are unwilling or unable to exercise their parental rights.

(1) Information about the person filing this petition (the petitioner.)

(a) Name:

(b) Principal residence:

(c) Current street address (if different):

(d) Relationship to minor:

(e) Interest in this petition:

(f) Telephone number (optional):

(g) Email address (optional):

(2) Information about the minor alleged to need a guardian.

Provide the following information to the extent known.

(a) Name:

(b) Age:

(c) Principal residence:

(d) Current street address (if different):

(e) If petitioner anticipates the minor moving, or seeks to move the minor, proposed new address:

(f) Does the minor need an interpreter, translator, or other form of support to communicate with the court or understand court proceedings? If so, please explain:

(g) Telephone number (optional):

(h) Email address (optional):

(3) Information about the minor's parent(s).

(a) Name(s) of living parent(s):

(b) Current street address(es) of living parent(s):

(c) Does any parent need an interpreter, translator, or other form of support to communicate with the court or understand court proceedings? If so, please explain:

(4) People who are required to be notified of this petition.

State the name and current address of the people listed in Appendix A.

(5) Appointment requested. State the name and address of any proposed guardian and the reason the proposed guardian should be selected.

(6) State why petitioner seeks the appointment. Include a description of the nature and extent of the minor's alleged need.

(7) Property. If the minor has property other than personal effects, state the minor's property with an estimate of its value.

(8) Other proceedings. If there are any other proceedings concerning the care or custody of the minor currently pending in any court in this state or another jurisdiction, please describe them.

(9) Attorney(s). If the minor or the minor's parent is represented by an attorney in this matter, state the name, telephone number, email address, and address of the attorney(s).

SIGNATURE

.....

Signature of Petitioner _____ Date _____
 Signature of Petitioner's Attorney if _____ Date _____
 Petitioner is Represented by Counsel _____

The court may appoint a conservator or order a protective arrangement instead of conservatorship for a minor if: (1) The minor owns funds or other property requiring management or protection that cannot otherwise be provided; or (2) it would be in the minor's best interests, and the minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age, or appointment is necessary or desirable to provide funds or other property needed for the support, care, education, health, or welfare of the minor.

APPENDIX A:

People whose name and address must be listed in subsection (4) of this petition if they are not the petitioner:

- The minor, if the minor is twelve years of age or older;
- Each parent of the minor or, if there are none, the adult nearest in kinship that can be found;
- An adult with whom the minor resides;
- Each person that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;
- If the minor is twelve years of age or older, any person nominated as guardian by the minor;
- Any person nominated as guardian by a parent of the minor;
- The grandparents of the minor;
- Adult siblings of the minor; and
- Any current guardian or conservator for the minor appointed in this state or another jurisdiction.

NEW SECTION. **Sec. 603.** PETITION FOR GUARDIANSHIP, CONSERVATORSHIP, OR PROTECTIVE ARRANGEMENT. This form may be used to petition for:

- Guardianship for an adult;
- Conservatorship for an adult or minor;
- A protective arrangement instead of guardianship for an adult;
- or
- A protective arrangement instead of conservatorship for an adult or minor.

Petition for Guardianship, Conservatorship, or Protective Arrangement

State of: _____
 County of: _____
 Name and address of attorney representing petitioner, if applicable: _____

Note to petitioner: This form can be used to petition for a guardian, conservator, or both, or for a protective arrangement instead of either a guardianship or conservatorship. This form should not be used to petition for guardianship for a minor.

The court may appoint a guardian or order a protective arrangement instead of guardianship for an adult if the adult lacks the ability to meet essential requirements for physical health, safety, or self-care because (1) the adult is unable to receive and evaluate information or make or communicate decisions even with the use of supportive services, technological assistance, and supported decision making, and (2) the adult's identified needs cannot be met by a less restrictive alternative.

The court may appoint a conservator or order a protective arrangement instead of conservatorship for an adult if (1) the adult is unable to manage property and financial affairs because of a limitation in the ability to receive and evaluate information or make or communicate decisions even with the use of supportive services, technological assistance, and supported decision making or the adult is missing, detained, or unable to return to the United States, and (2) appointment is necessary to avoid harm to the adult or significant dissipation of the property of the adult, or to obtain or provide funds or other property needed for the support, care, education, health, or welfare of the adult, or of an individual who is entitled to the adult's support, and protection is necessary or desirable to provide funds or other property for that purpose.

The court may also order a protective arrangement instead of conservatorship that restricts access to an individual or an individual's property by a person that the court finds: (1) Through fraud, coercion, duress, or the use of deception and control, caused, or attempted to cause, an action that would have resulted in financial harm to the individual or the individual's property; and (2) poses a serious risk of substantial financial harm to the individual or the individual's property.

(1) Information about the person filing this petition (the petitioner.)

- (a) Name:
- (b) Principal residence:
- (c) Current street address (if different):
- (d) Relationship to respondent:
- (e) Interest in this petition:
- (f) Telephone number (optional):
- (g) Email address (optional):

(2) Information about the individual alleged to need protection (the "respondent"). Provide the following information to the extent known.

- (a) Name:
- (b) Age:
- (c) Principal residence:
- (d) Current street address (if different):
- (e) If petitioner anticipates respondent moving, or seeks to move respondent, proposed new address:
- (f) Does respondent need an interpreter, translator, or other form of support to communicate with the court or understand court proceedings? If so, please explain:
- (g) Telephone number (optional):
- (h) Email address (optional):

(3) People who are required to be notified of this petition. State the name and address of the people listed in Appendix A.

(4) Existing agents. State the name and address of any person appointed as an agent under a power of attorney for finances or power of attorney for health care, or who has been appointed as the individual's representative for payment of benefits.

(5) Action requested. State whether petitioner is seeking appointment of a guardian, a conservator, or a protective arrangement instead of an appointment.

(6) Order requested or appointment requested. If seeking a protective arrangement instead of a guardianship or conservatorship, state the transaction or other action you want the court to order. If seeking appointment of a guardian or conservator, state the powers petitioner requests the court grant to a guardian or conservator.

(7) State why the appointment or protective arrangement sought is necessary. Include a description of the nature and extent of respondent's alleged need.

(8) State all less restrictive alternatives to meeting respondent's alleged need that have been considered or implemented. Less restrictive alternatives could include supported decision making, technological assistance, or the appointment of an agent by respondent including appointment under a power of attorney for health care or power of attorney for finances. If no alternative has been considered or implemented, state the reason why not.

(9) Explain why less restrictive alternatives will not meet respondent's alleged need.

(10) Provide a general statement of respondent's property and an estimate of its value. Include any real property such as a house or land, insurance or pension, and the source and amount of any other anticipated income or receipts. As part of this statement, indicate, if known, how the property is titled (for example, is it jointly owned?).

(11) For a petition seeking appointment of a conservator. (Skip this section if not asking for appointment of a conservator.)

(a) If seeking appointment of a conservator with all powers permissible under this state's law, explain why appointment of a conservator with fewer powers (i.e., a "limited conservatorship") or other protective arrangement instead of conservatorship will not meet the individual's alleged needs.

(b) If seeking a limited conservatorship, state the property petitioner requests be placed under the conservator's control and any proposed limitation on the conservator's powers and duties.

(c) State the name and address of any proposed conservator and the reason the proposed conservator should be selected.

(d) If respondent is twelve years of age or older, state the name and address of any person respondent nominates as conservator.

(e) If alleging a limitation in respondent's ability to receive and evaluate information, provide a brief description of the nature and extent of respondent's alleged limitation.

(f) If alleging that respondent is missing, detained, or unable to return to the United States, state the relevant circumstances, including the time and nature of the disappearance or detention and a description of any search or inquiry concerning respondent's whereabouts.

(12) For a petition seeking appointment of a guardian. (Skip this section if not asking for appointment of a guardian.)

(a) If seeking appointment of a guardian with all powers permissible under this state's law, explain why appointment of a guardian with fewer powers (i.e., a "limited guardianship") or other protective arrangement instead of guardianship will not meet the individual's alleged needs.

(b) If seeking a limited guardianship, state the powers petitioner requests be granted to the guardian.

(c) State the name and address of any proposed guardian and the reason the proposed guardian should be selected.

(d) State the name and address of any person nominated as guardian by respondent, or, in a will or other signed writing or other record, by respondent's parent or spouse or domestic partner.

(13) Attorney. If petitioner, respondent, or, if respondent is a minor, respondent's parent is represented by an attorney in this matter, state the name, telephone number, email address, and address of the attorney(s).

SIGNATURE

Signature of Petitioner

Date

Signature of Petitioner's Attorney if Petitioner is Represented by Counsel

Date

APPENDIX A:

People whose name and address must be listed in subsection (3) of this petition, if they are not the petitioner.

Respondent's spouse or domestic partner, or if respondent has none, any adult with whom respondent has shared household responsibilities in the past six months;

Respondent's adult children, or, if respondent has none, respondent's parents and adult siblings, or if respondent has

none, one or more adults nearest in kinship to respondent who can be found with reasonable diligence;

Respondent's adult stepchildren whom respondent actively parented during the stepchildren's minor years and with whom respondent had an ongoing relationship within two years of this petition;

Any person responsible for the care or custody of respondent;

Any attorney currently representing respondent;

Any representative payee for respondent appointed by the social security administration;

Any current guardian or conservator for respondent appointed in this state or another jurisdiction;

Any trustee or custodian of a trust or custodianship of which respondent is a beneficiary;

Any veterans administration fiduciary for respondent;

Any person respondent has designated as agent under a power of attorney for finances;

Any person respondent has designated as agent under a power of attorney for health care;

Any person known to have routinely assisted the individual with decision making in the previous six months;

Any person respondent nominates as guardian or conservator; and

Any person nominated as guardian by respondent's parent or spouse or domestic partner in a will or other signed writing or other record.

NEW SECTION. Sec. 604. NOTIFICATION OF RIGHTS FOR ADULT SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP. This form may be used to notify an adult subject to guardianship or conservatorship of the adult's rights under sections 311 and 412 of this act.

Notification of Rights

You are getting this notice because a guardian, conservator, or both have been appointed for you. It tells you about some important rights you have. It does not tell you about all your rights. If you have questions about your rights, you can ask an attorney or another person, including your guardian or conservator, to help you understand your rights.

General rights:

You have the right to exercise any right the court has not given to your guardian or conservator.

You also have the right to ask the court to:

End your guardianship, conservatorship, or both;

Increase or decrease the powers granted to your guardian, conservator, or both;

Make other changes that affect what your guardian or conservator can do or how they do it; and

Replace the person that was appointed with someone else.

You also have a right to hire an attorney to help you do any of these things.

Additional rights for persons for whom a guardian has been appointed:

As an adult subject to guardianship, you have a right to:

(1) Be involved in decisions affecting you, including decisions about your care, where you live, your activities, and your social interactions, to the extent reasonably feasible;

(2) Be involved in decisions about your health care to the extent reasonably feasible, and to have other people help you understand the risks and benefits of health care options;

(3) Be notified at least fourteen days in advance of a change in where you live or a permanent move to a nursing home, mental health facility, or other facility that places restrictions on your ability to leave or have visitors, unless the guardian has

proposed this change in the guardian's plan or the court has expressly authorized it;

(4) Ask the court to prevent your guardian from changing where you live or selling or surrendering your primary dwelling by following the appropriate process for objecting to such a move in compliance with section 314(5) of this act;

(5) Vote and get married unless the court order appointing your guardian states that you cannot do so;

(6) Receive a copy of your guardian's report and your guardian's plan; and

(7) Communicate, visit, or interact with other people (this includes the right to have visitors, to make and receive telephone calls, personal mail, or electronic communications) unless:

(a) Your guardian has been authorized by the court by specific order to restrict these communications, visits, or interactions;

(b) A protective order is in effect that limits contact between you and other people; or

(c) Your guardian has good cause to believe the restriction is needed to protect you from significant physical, psychological, or financial harm and the restriction is for not more than seven business days if the person has a relative or preexisting social relationship with you or not more than sixty days if the person does not have that kind of relationship with you.

Additional rights for persons for whom a conservator has been appointed:

As an adult subject to conservatorship, you have a right to:

Participate in decisions about how your property is managed to the extent feasible; and

Receive a copy of your conservator's inventory, report, and plan.

NEW SECTION. Sec. 605. LETTERS OF OFFICE. All letters of guardianship/conservatorship must be in the following form or a substantially similar form:

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON IN AND FOR THE
COUNTY OF

IN THE MATTER OF THE
GUARDIANSHIP/
CONSERVATORSHIP OF Cause No.
.....

LETTERS OF GUARDIANSHIP/CONSERVATORSHIP

Date letters expire

THESE LETTERS OF
GUARDIANSHIP/CONSERVATORSHIP PROVIDE
OFFICIAL VERIFICATION OF THE FOLLOWING:

On the day of, (year) the Court
appointedto serve as:

- Guardian of the Person Full Limited
- Conservator of the Estate Full Limited

for, in the above referenced matter.

The Guardian/Conservator has fulfilled all legal requirements to serve including, but not limited to: Taking and filing the oath; filing any bond consistent with the court's order; filing

any blocked account agreement consistent with the court's order; and appointing a resident agent for a nonresident guardian.

The Court, having found the Guardian/Conservator duly qualified, now makes it known is authorized as the Guardian for designated in the Court's order as referenced above.

The next filing and reporting deadline in this matter is on the ... day of,

THESE LETTERS ARE NO LONGER VALID ON

These letters can only be renewed by a new court order. If the court grants an extension, new letters will be issued.

This matter is before the Honorable of Superior Court, the seal of the Court being affixed this ... day of

State of Washington)

) ss.

County of

I,, Clerk of the Superior Court of said County and State, certify that this document represents true and correct Letters of Guardianship/Conservatorship in the above entitled case, entered upon the record on this day of,

These letters remain in full force and effect until the date of expiration set forth above.

The seal of Superior Court has been affixed and witnessed by my hand this day of,

....., Clerk of Superior Court

By, Deputy

.....

(Signature of Deputy)

NEW SECTION. Sec. 606.
GUARDIANSHIP/CONSERVATORSHIP SUMMARY. The guardianship/conservatorship summary shall be in or substantially similar form:

GUARDIANSHIP/CONSERVATORSHIP SUMMARY

Date Guardian/Conservator Appointed:

Due Date for Report and Accounting:

Date of Next Review:

Letters Expire On:

Bond Amount: \$

Restricted Account Agreements Required:

Due Date for Inventory, if applicable:

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Due Date for Guardian's Plan, if applicable:

Person subject to guardianship/conservatorship	Guardian/Conservator
Name:	Name:
Address:	Address:
Phone:	Phone:
Facsimile:	Facsimile:

Interested Parties	Address	Relation

ARTICLE 7

CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD OF RESOLUTION GRIEVANCES

NEW SECTION. Sec. 701. CERTIFIED PROFESSIONAL GUARDIANSHIP BOARD RESOLUTION OF GRIEVANCES. (1) The certified professional guardianship board must resolve grievances against professional guardians and/or conservators within a reasonable time for alleged violations of the certified professional guardianship board's standards of practice.

(a) All grievances must initially be reviewed within thirty days by certified professional guardianship board members, or a subset thereof, to determine if the grievance is complete, states facts that allege a violation of the standards of practice, and relates to the conduct of a professional guardian and/or conservator, before any investigation or response is requested from the professional guardian or the superior court. Grievances must provide the dates of the alleged violations and must be signed and dated by the person filing the grievance. Grievance investigations by the board are limited to the allegations contained in the grievance unless, after review by a majority of the members of the certified professional guardianship board, further investigation is justified.

(b) If the certified professional guardianship board determines the grievance is complete, states facts that allege a violation of the standards of practice, and relates to the conduct of a professional guardian and/or conservator, the certified professional guardianship board must forward that grievance within ten days to the superior court for that guardianship or conservatorship and to the professional guardian and/or conservator. The court must review the matter as set forth in section 128 of this act, and must direct the clerk of the court to send a copy of the order entered under this section to the certified professional guardianship board. The certified professional guardianship board must act consistently with any finding of fact issued in that order.

(2) Grievances received by the certified professional guardianship board must be resolved within one hundred eighty days of receipt.

(3) If the grievance cannot be resolved within one hundred eighty days, the certified professional guardianship board must notify the professional guardian and/or conservator. The professional guardian or conservator may propose a resolution of the grievance with facts and/or arguments. The certified professional guardianship board may accept the proposed resolution or determine that an additional ninety days are needed to review the grievance. If the certified professional guardianship

board has not resolved the grievance within the additional ninety days the professional guardian or conservator may:

(a) File a motion for a court order to compel the certified professional guardianship board to resolve the grievance within a reasonable time; or

(b) Move for the court to resolve the grievance instead of being resolved by the certified professional guardianship board.

(4) The court has authority to enforce the certified professional guardianship board's standards of practice in this article to the extent those standards are related to statutory or fiduciary duties of guardians and conservators.

(5) Any unresolved grievances filed with the certified professional guardianship board at the time of the effective date of this section must be forwarded to the superior court for that guardianship or conservatorship for review by the court as set forth in section 128 of this act.

ARTICLE 8

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 801. REPEALS. The following acts or parts of acts are each repealed:

(1)RCW 11.88.005 (Legislative intent) and 1990 c 122 s 1, 1977 ex.s. c 309 s 1, & 1975 1st ex.s. c 95 s 1;

(2)RCW 11.88.008 ("Professional guardian" defined) and 1997 c 312 s 2;

(3)RCW 11.88.010 (Authority to appoint guardians—Definitions—Venue—Nomination by principal) and 2016 c 209 s 403, 2008 c 6 s 802, 2005 c 236 s 3, (2005 c 236 s 2 expired January 1, 2006), 2004 c 267 s 139, 1991 c 289 s 1, 1990 c 122 s 2, 1984 c 149 s 176, 1977 ex.s. c 309 s 2, 1975 1st ex.s. c 95 s 2, & 1965 c 145 s 11.88.010;

(4)RCW 11.88.020 (Qualifications) and 2011 c 329 s 1, 1997 c 312 s 1, 1990 c 122 s 3, 1975 1st ex.s. c 95 s 3, 1971 c 28 s 4, & 1965 c 145 s 11.88.020;

(5)RCW 11.88.030 (Petition—Contents—Hearing) and 2011 c 329 s 2, 2009 c 521 s 36, 1996 c 249 s 8, 1995 c 297 s 1, 1991 c 289 s 2, 1990 c 122 s 4, 1977 ex.s. c 309 s 3, 1975 1st ex.s. c 95 s 4, & 1965 c 145 s 11.88.030;

(6)RCW 11.88.040 (Notice and hearing, when required—Service—Procedure) and 2008 c 6 s 803, 1995 c 297 s 2, 1991 c 289 s 3, 1990 c 122 s 5, 1984 c 149 s 177, 1977 ex.s. c 309 s 4, 1975 1st ex.s. c 95 s 5, 1969 c 70 s 1, & 1965 c 145 s 11.88.040;

(7)RCW 11.88.045 (Legal counsel and jury trial—Proof—Medical report—Examinations—Waiver) and 2001 c 148 s 1, 1996 c 249 s 9, 1995 c 297 s 3, 1991 c 289 s 4, 1990 c 122 s 6, 1977 ex.s. c 309 s 5, & 1975 1st ex.s. c 95 s 7;

(8)RCW 11.88.080 (Guardians nominated by will or durable power of attorney) and 2016 c 209 s 401, 2005 c 97 s 11, 1990 c 122 s 7, & 1965 c 145 s 11.88.080;

(9)RCW 11.88.090 (Guardian ad litem—Mediation—Appointment—Qualifications—Notice of and statement by guardian ad litem—Hearing and notice—Attorneys' fees and costs—Registry—Duties—Report—Responses—Fee) and 2008 c 6 s 804, 2000 c 124 s 1, 1999 c 360 s 1, 1996 c 249 s 10, 1995 c 297 s 4, 1991 c 289 s 5, 1990 c 122 s 8, 1977 ex.s. c 309 s 6, 1975 1st ex.s. c 95 s 9, & 1965 c 145 s 11.88.090;

(10)RCW 11.88.093 (Ex parte communications—Removal) and 2000 c 124 s 10;

(11)RCW 11.88.095 (Disposition of guardianship petition) and 2011 c 329 s 4, 1995 c 297 s 5, 1991 c 289 s 6, & 1990 c 122 s 9;

(12)RCW 11.88.097 (Guardian ad litem—Fees) and 2000 c 124 s 13;

(13)RCW 11.88.100 (Oath and bond of guardian or limited guardian) and 2010 c 8 s 2088, 1990 c 122 s 10, 1983 c 271 s 1,

1977 ex.s. c 309 s 7, 1975 1st ex.s. c 95 s 10, & 1965 c 145 s 11.88.100;

(14)RCW 11.88.105 (Reduction in amount of bond) and 1990 c 122 s 11, 1975 1st ex.s. c 95 s 11, & 1965 c 145 s 11.88.105;

(15)RCW 11.88.107 (When bond not required) and 1990 c 122 s 12, 1977 ex.s. c 309 s 8, 1975 1st ex.s. c 95 s 12, & 1965 c 145 s 11.88.107;

(16)RCW 11.88.110 (Law on executors' and administrators' bonds applicable) and 1975 1st ex.s. c 95 s 13 & 1965 c 145 s 11.88.110;

(17)RCW 11.88.120 (Modification or termination of guardianship—Procedure) and 2017 c 271 s 2, 2015 c 293 s 1, 1991 c 289 s 7, 1990 c 122 s 14, 1977 ex.s. c 309 s 9, 1975 1st ex.s. c 95 s 14, & 1965 c 145 s 11.88.120;

(18)RCW 11.88.125 (Standby limited guardian or limited guardian) and 2013 c 304 s 1, 2011 c 329 s 5, 2008 c 6 s 805, 1991 c 289 s 8, 1990 c 122 s 15, 1979 c 32 s 1, 1977 ex.s. c 309 s 10, & 1975 1st ex.s. c 95 s 6;

(19)RCW 11.88.127 (Guardianship—Incapacitated person—Letters of guardianship) and 2011 c 329 s 6;

(20)RCW 11.88.130 (Transfer of jurisdiction and venue) and 1990 c 122 s 16, 1975 1st ex.s. c 95 s 15, & 1965 c 145 s 11.88.130;

(21)RCW 11.88.140 (Termination of guardianship or limited guardianship) and 2016 c 202 s 9, 2011 c 329 s 7, 1991 c 289 s 9, 1990 c 122 s 17, 1977 ex.s. c 309 s 11, 1975 1st ex.s. c 95 s 16, & 1965 c 145 s 11.88.140;

(22)RCW 11.88.150 (Administration of deceased incapacitated person's estate) and 2010 c 8 s 2089, 1990 c 122 s 18, 1977 ex.s. c 309 s 12, 1975 1st ex.s. c 95 s 17, & 1965 c 145 s 11.88.150;

(23)RCW 11.88.160 (Guardianships involving veterans) and 1990 c 122 s 13;

(24)RCW 11.88.170 (Guardianship courthouse facilitator program) and 2015 c 295 s 1;

(25)RCW 11.88.900 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 35;

(26)RCW 11.92.010 (Guardians or limited guardians under court control—Legal age) and 1975 1st ex.s. c 95 s 18, 1971 c 28 s 5, & 1965 c 145 s 11.92.010;

(27)RCW 11.92.035 (Claims) and 1990 c 122 s 19, 1975 1st ex.s. c 95 s 19, & 1965 c 145 s 11.92.035;

(28)RCW 11.92.040 (Duties of guardian or limited guardian in general) and 2011 c 329 s 9, 1991 c 289 s 10, 1990 c 122 s 20, & 1985 c 30 s 9;

(29)RCW 11.92.043 (Additional duties) and 2017 c 268 s 3, 2011 c 329 s 3, 1991 c 289 s 11, & 1990 c 122 s 21;

(30)RCW 11.92.050 (Intermediate accounts or reports—Hearing—Order) and 2011 c 329 s 10, 1995 c 297 s 6, 1990 c 122 s 23, 1975 1st ex.s. c 95 s 21, & 1965 c 145 s 11.92.050;

(31)RCW 11.92.053 (Settlement of estate upon termination) and 2011 c 329 s 8, 1995 c 297 s 7, 1990 c 122 s 24, & 1965 c 145 s 11.92.053;

(32)RCW 11.92.056 (Citation of surety on bond) and 1990 c 122 s 25, 1975 1st ex.s. c 95 s 22, & 1965 c 145 s 11.92.056;

(33)RCW 11.92.060 (Guardian to represent incapacitated person—Compromise of claims—Service of process) and 1990 c 122 s 26, 1975 1st ex.s. c 95 s 23, & 1965 c 145 s 11.92.060;

(34)RCW 11.92.090 (Sale, exchange, lease, or mortgage of property) and 1990 c 122 s 27, 1975 1st ex.s. c 95 s 24, & 1965 c 145 s 11.92.090;

(35)RCW 11.92.096 (Guardian access to certain held assets) and 1991 c 289 s 13;

(36)RCW 11.92.100 (Petition—Contents) and 1990 c 122 s 28, 1975 1st ex.s. c 95 s 25, & 1965 c 145 s 11.92.100;

(37)RCW 11.92.110 (Sale of real estate) and 1990 c 122 s 29, 1975 1st ex.s. c 95 s 26, & 1965 c 145 s 11.92.110;

(38)RCW 11.92.115 (Return and confirmation of sale) and 2010 c 8 s 2090, 1990 c 122 s 30, 1975 1st ex.s. c 95 s 27, & 1965 c 145 s 11.92.115;

(39)RCW 11.92.120 (Confirmation conclusive) and 1975 1st ex.s. c 95 s 28 & 1965 c 145 s 11.92.120;

(40)RCW 11.92.125 (Broker's fee and closing expenses—Sale, exchange, mortgage, or lease of real estate) and 1977 ex.s. c 309 s 15 & 1965 c 145 s 11.92.125;

(41)RCW 11.92.130 (Performance of contracts) and 1990 c 122 s 31, 1975 1st ex.s. c 95 s 29, & 1965 c 145 s 11.92.130;

(42)RCW 11.92.140 (Court authorization for actions regarding guardianship funds) and 2008 c 6 s 807, 1999 c 42 s 616, 1991 c 193 s 32, 1990 c 122 s 32, & 1985 c 30 s 10;

(43)RCW 11.92.150 (Request for special notice of proceedings) and 1990 c 122 s 33 & 1985 c 30 s 11;

(44)RCW 11.92.160 (Citation for failure to file account or report) and 1990 c 122 s 34, 1975 1st ex.s. c 95 s 31, & 1965 c 145 s 11.92.160;

(45)RCW 11.92.170 (Removal of property of nonresident incapacitated person) and 1990 c 122 s 35, 1977 ex.s. c 309 s 16, 1975 1st ex.s. c 95 s 32, & 1965 c 145 s 11.92.170;

(46)RCW 11.92.180 (Compensation and expenses of guardian or limited guardian—Attorney's fees—Department of social and health services clients paying part of costs—Rules) and 1995 c 297 s 8, 1994 c 68 s 1, 1991 c 289 s 12, 1990 c 122 s 36, 1975 1st ex.s. c 95 s 33, & 1965 c 145 s 11.92.180;

(47)RCW 11.92.185 (Concealed or embezzled property) and 1990 c 122 s 37, 1975 1st ex.s. c 95 s 34, & 1965 c 145 s 11.92.185;

(48)RCW 11.92.190 (Detention of person in residential placement facility against will prohibited—Effect of court order—Service of notice of residential placement) and 2016 sp.s. c 29 s 412, 1996 c 249 s 11, & 1977 ex.s. c 309 s 14;

(49)RCW 11.92.195 (Incapacitated persons—Right to associate with persons of their choosing) and 2017 c 268 s 1;

(50)RCW 26.10.010 (Intent) and 1987 c 460 s 25;

(51)RCW 26.10.015 (Mandatory use of approved forms) and 1992 c 229 s 4 & 1990 1st ex.s. c 2 s 27;

(52)RCW 26.10.020 (Civil practice to govern—Designation of proceedings—Decreets) and 1987 c 460 s 26;

(53)RCW 26.10.030 (Child custody proceeding—Commencement—Notice—Intervention) and 2003 c 105 s 3, 2000 c 135 s 3, 1998 c 130 s 4, & 1987 c 460 s 27;

(54)RCW 26.10.032 (Child custody motion—Affidavit required—Notice—Denial of motion—Show cause hearing) and 2003 c 105 s 6;

(55)RCW 26.10.034 (Petitions—Indian child statement—Application of federal Indian child welfare act) and 2011 c 309 s 31, 2004 c 64 s 1, & 2003 c 105 s 7;

(56)RCW 26.10.040 (Provisions for child support, custody, and visitation—Federal tax exemption—Continuing restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order) and 2000 c 119 s 8, 1995 c 93 s 3, 1994 sp.s. c 7 s 453, 1989 c 375 s 31, & 1987 c 460 s 28;

(57)RCW 26.10.045 (Child support schedule) and 1988 c 275 s 12;

(58)RCW 26.10.050 (Child support by parents—Apportionment of expense) and 2008 c 6 s 1023 & 1987 c 460 s 29;

(59)RCW 26.10.060 (Health insurance coverage—Conditions) and 1989 c 375 s 19 & 1987 c 460 s 30;

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(60)RCW 26.10.070 (Minor or dependent child—Court appointed attorney to represent—Payment of costs, fees, and disbursements) and 1989 c 375 s 20 & 1987 c 460 s 31;

(61)RCW 26.10.080 (Payment of costs, attorney's fees, etc) and 1987 c 460 s 35;

(62)RCW 26.10.090 (Failure to comply with decree or temporary injunction—Obligation to make support payments or permit visitation not suspended—Motion) and 1987 c 460 s 36;

(63)RCW 26.10.100 (Determination of custody—Child's best interests) and 1987 c 460 s 38;

(64)RCW 26.10.110 (Temporary custody order—Vacation of order) and 1987 c 460 s 39;

(65)RCW 26.10.115 (Temporary orders—Support—Restraining orders—Domestic violence or antiharassment protection orders—Notice of modification or termination of restraining order—Preservation of support debt) and 2000 c 119 s 9, 1995 c 246 s 29, 1994 sp.s. c 7 s 454, & 1989 c 375 s 32;

(66)RCW 26.10.120 (Interview with child by court—Advice of professional personnel) and 1987 c 460 s 40;

(67)RCW 26.10.130 (Investigation and report) and 1993 c 289 s 2 & 1987 c 460 s 41;

(68)RCW 26.10.135 (Custody orders—Background information to be consulted) and 2017 3rd sp.s. c 6 s 333 & 2003 c 105 s 1;

(69)RCW 26.10.140 (Hearing—Record—Expenses of witnesses) and 1987 c 460 s 42;

(70)RCW 26.10.150 (Access to child's education and medical records) and 1987 c 460 s 43;

(71)RCW 26.10.160 (Visitation rights—Limitations) and 2018 c 183 s 7, 2011 c 89 s 7, 2004 c 38 s 13, 1996 c 303 s 2, 1994 c 267 s 2, 1989 c 326 s 2, & 1987 c 460 s 44;

(72)RCW 26.10.170 (Powers and duties of custodian—Supervision by appropriate agency when necessary) and 1987 c 460 s 45;

(73)RCW 26.10.180 (Remedies when a child is taken, enticed, or concealed) and 2008 c 6 s 1024, 1989 c 375 s 21, & 1987 c 460 s 46;

(74)RCW 26.10.190 (Petitions for modification and proceedings concerning relocation of child—Assessment of attorneys' fees) and 2000 c 21 s 21, 1989 c 375 s 24, & 1987 c 460 s 47;

(75)RCW 26.10.200 (Temporary custody order or modification of custody decree—Affidavits required) and 1987 c 460 s 48;

(76)RCW 26.10.210 (Venue) and 1987 c 460 s 49;

(77)RCW 26.10.220 (Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity) and 2000 c 119 s 22, 1999 c 184 s 11, 1996 c 248 s 10, 1995 c 246 s 30, & 1987 c 460 s 50; and

(78)RCW 26.10.910 (Short title—1987 c 460).

NEW SECTION. Sec. 802. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 803. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This act modifies, limits, or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 804. APPLICABILITY. This chapter applies to:

(1) A proceeding for appointment of a guardian or conservator or for a protective arrangement instead of guardianship or conservatorship commenced after the effective date of this section; and

(2) A guardianship, conservatorship, or protective arrangement instead of a guardianship or conservatorship in existence on the effective date of this section unless the court finds application of a particular provision of this act would substantially interfere with the effective conduct of the proceeding or prejudice the rights of a party, in which case the particular provision of this act does not apply and the superseded law applies.

NEW SECTION. Sec. 805. SEVERABILITY. 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. 806. Articles I through VII and sections 802 through 804 and 807 of this act constitute a new chapter in Title 11 RCW.

NEW SECTION. Sec. 807. EFFECTIVE DATE. This act takes effect January 1, 2021."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5604.

Senators Pedersen, Conway and Rivers spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5604.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5604 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5604, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5604, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Bailey, Ericksen, Fortunato, Padden, Schoesler and Short

SECOND SUBSTITUTE SENATE BILL NO. 5604, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2019

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL NO. 5640. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5640 AMH VOLZ H3092.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 3.72.005 and 2017 c 9 s 1 are each amended to read as follows:

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

(1) "Court" when used without further qualification means the district court under chapter 3.30 RCW, the municipal department under chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20 RCW.

(2) "Traffic infraction" means those acts defined as traffic infractions by RCW 46.63.020.

(3) "Transit infraction" means an infraction issued by a transit authority as defined in RCW 9.91.025(2)(c), including those infractions authorized under RCW 35.58.580, 36.57A.230, and 81.112.220.

(4) "Youth court" means an alternative method of hearing and disposing of traffic infractions ~~((for juveniles age sixteen or)), transit infractions, and civil infractions for juveniles age twelve through seventeen.~~

Sec. 2. RCW 3.72.010 and 2017 c 9 s 2 are each amended to read as follows:

(1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW may create a youth court. The youth court shall have concurrent jurisdiction over traffic ~~((and))~~ infractions, transit infractions, and civil infractions alleged to have been committed by juveniles age ~~((sixteen or))~~ twelve through seventeen. The court may refer a juvenile to the youth court upon request of any party or upon its own motion. However, a juvenile shall not be required under this section to have his or her traffic ~~((or))~~ infraction, transit infraction, or civil infraction, referred to or disposed of by a youth court.

(2) To be referred to a youth court pursuant to this chapter, a juvenile:

~~(a) ((May not have had a prior traffic or transit infraction referred to a youth court;~~

~~(b))~~ May not be under the jurisdiction of any court for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025; and

~~((c) May not have any convictions for a violation of any provision of Title 46 RCW or for unlawful transit conduct under RCW 9.91.025; and~~

~~(d))~~ (b) Must acknowledge that there is a high likelihood that he or she would be found to have committed the traffic ~~((or))~~ infraction, transit infraction, or civil infraction.

(3)(a) Nothing in this chapter shall interfere with the ability of juvenile courts to refer matters to youth courts that have been established to provide a diversion for matters involving juvenile offenders who are eligible for diversion pursuant to RCW

13.40.070 (6) and (8) and who agree, along with a parent, guardian, or legal custodian, to comply with the provisions of RCW 13.40.600.

(b) Nothing in this chapter shall interfere with the ability of student courts to work with students who violate school rules and policies pursuant to RCW 28A.300.420.

Sec. 3. RCW 3.72.020 and 2017 c 9 s 3 are each amended to read as follows:

(1) A youth court agreement shall be a contract between a juvenile accused of a traffic ~~((or))~~ infraction, transit infraction, or civil infraction and a court whereby the juvenile agrees to fulfill certain conditions imposed by a youth court in lieu of a determination that a traffic ~~((or))~~ infraction, transit infraction, or civil infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic ~~((or))~~ infraction, transit infraction, or civil infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced to writing and signed by the court and the youth accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

(2) Conditions imposed on a juvenile by a youth court shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Attendance at defensive driving school or driver improvement education classes or, in the discretion of the court, a like means of fulfilling this condition. The state shall not be liable for costs resulting from the youth court or the conditions imposed upon the juvenile by the youth court;

(c) A monetary penalty, not to exceed one hundred dollars. All monetary penalties assessed and collected under this section shall be deposited and distributed in the same manner as costs, fines, forfeitures, and penalties are assessed and collected under RCW 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and 46.63.110(7), regardless of the juvenile's successful or unsuccessful completion of the youth court agreement;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;

(e) Participating in law-related education classes;

(f) Providing periodic reports to the youth court or the court;

(g) Participating in mentoring programs;

(h) Serving as a participant in future youth court proceedings;

(i) Writing apology letters; or

(j) Writing essays.

(3) Youth courts may require that the youth pay any costs associated with conditions imposed upon the youth by the youth court.

(a) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(b) The court, as specified in RCW 3.72.010, shall monitor the successful or unsuccessful completion of the disposition.

(4) A youth court agreement may extend beyond the eighteenth birthday of the youth.

(5) Any juvenile who is, or may be, referred to a youth court shall be afforded due process in all contacts with the youth court regardless of whether the juvenile is accepted by the youth court or whether the youth court program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written agreement shall be executed stating all conditions in clearly understandable language and the action that will be

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taken by the court upon successful or unsuccessful completion of the agreement;

(b) Violation of the terms of the agreement shall be the only grounds for termination.

(6) The youth court shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during youth court hearings or negotiations.

(7) The court shall be responsible for advising a juvenile of his or her rights as provided in this chapter.

(8) When a juvenile enters into a youth court agreement, the court may receive only the following information for dispositional purposes:

(a) The fact that a traffic ~~((or))~~ infraction, transit infraction, or civil infraction was alleged to have been committed;

(b) The fact that a youth court agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the juvenile performed his or her obligations under such agreement; and

(e) The facts of the alleged traffic ~~((or))~~ infraction, transit infraction, or civil infraction.

(9) A court may refuse to enter into a youth court agreement with a juvenile. When a court refuses to enter a youth court agreement with a juvenile, it shall set the matter for hearing in accordance with all applicable court rules and statutory provisions governing the hearing and disposition of traffic ~~((and))~~ infractions, transit infractions, or civil infractions.

(10) If a monetary penalty required by a youth court agreement cannot reasonably be paid due to a lack of financial resources of the youth, the court may convert any or all of the monetary penalty into community service. The modification of the youth court agreement shall be in writing and signed by the juvenile and the court. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

Sec. 4. RCW 3.72.040 and 2017 c 9 s 5 are each amended to read as follows:

The administrative office of the courts shall encourage the courts to work with cities, counties, and schools to implement, expand, or use youth court programs for juveniles who commit traffic ~~((or))~~ infractions, transit infractions, or civil infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(2) Target ~~((youth ages sixteen and seventeen))~~ juveniles who are alleged to have committed a traffic ~~((or))~~ infraction, transit infraction, or civil infraction; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;

(b) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

Sec. 5. RCW 7.80.010 and 2009 c 279 s 2 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and

determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance or by local law or resolution of a transit agency authorized to issue civil infractions, and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Youth court under chapter 3.72 RCW shall have concurrent jurisdiction over civil infractions alleged to have been committed by juveniles age twelve through seventeen if the requirements of RCW 3.72.010 are met.

(6) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Holy moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5640 and ask the House to recede therefrom.

Senator Holy spoke in favor of the motion.

Senator Darneille spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Holy that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5640 and ask the House to recede therefrom.

The motion by Senator Holy carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5640 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1504.

Senator Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Pedersen that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 1504.

The motion by Senator Pedersen carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 1504.

MOTION

On motion of Senator Pedersen, the rules were suspended and Engrossed Substitute House Bill No. 1504 was returned to second reading for the purposes of amendment.

MOTION

Senator Pedersen moved that the following striking amendment no. 802 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.533 and 2018 c 7 s 8 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in

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the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the

range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

Sec. 2. RCW 9.94A.729 and 2015 c 134 s 4 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the number of days of early release credits lost or not earned. The department may approve a jail certification from a correctional agency that calculates early release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. The department must adjust an offender's rate of early release listed on the jail certification to be consistent with the rate applicable to offenders in the department's facilities.

However, the department is not authorized to adjust the number of presentence early release days that the jail has certified as lost or not earned.

(2)(a) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(b) An offender whose sentence includes any impaired driving enhancements under RCW 9.94A.533(7), minor child enhancements under RCW 9.94A.533(13), or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender sentenced pursuant to RCW 10.95.030(3) or 10.95.035, the offender may not receive any earned early release time during the minimum term of confinement imposed by the court; for any remaining portion of the sentence served by the offender, the aggregate earned release time may not exceed ten percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(c) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(d) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (d)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(e) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(d) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(d) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who will be supervised by the

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department pursuant to RCW 9.94A.501 or 9.94A.5011, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728~~((5))~~ (1)(c);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan.

A voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) The department shall maintain a list of housing providers that meets the requirements of RCW 72.09.285. If more than two voucher recipients will be residing per dwelling unit, as defined in RCW 59.18.030, rental vouchers for those recipients may only be paid to a housing provider on the department's list;

(f) For each offender who is the recipient of a rental voucher, the department shall gather data as recommended by the Washington state institute for public policy in order to best demonstrate whether rental vouchers are effective in reducing recidivism.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

Sec. 3. RCW 10.21.055 and 2016 c 203 s 16 are each amended to read as follows:

(1)(a) When any person charged with a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release that person comply with one of the following four requirements:

(i) Have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) Comply with 24/7 sobriety program monitoring, as defined in RCW 36.28A.330; or

(iii) Have an ignition interlock device on all motor vehicles operated by the person pursuant to (a)(i) of this subsection and submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c); or

(iv) Have an ignition interlock device on all motor vehicles operated by the person and that such person agrees not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection (1)(a)(iv), the person must file a sworn statement with the court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c).

(b) The court shall immediately notify the department of licensing when an ignition interlock restriction is imposed~~((+4))~~ as a condition of release ~~((pursuant to (a) of this subsection))~~ or ~~((+4))~~ after conviction in instances where a person is charged with, or convicted of, a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522~~((- and the offense involves alcohol))~~. If the court imposes an ignition interlock restriction, the department of licensing shall attach or imprint a notation on the driving record of any person restricted under this section stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(2)(a) Upon acquittal or dismissal of all pending or current charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, or equivalent local ordinance, the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under subsection (1) of this section. Nothing in this section limits the authority of the court or department under RCW 46.20.720.

(b) If the court authorizes removal of an ignition interlock device imposed under this section, the court shall immediately notify the department of licensing regarding the lifting of the ignition interlock restriction and the department of licensing shall release any attachment, imprint, or notation on such person's driving record relating to the ignition interlock requirement imposed under this section.

(3) When an ignition interlock restriction imposed as a condition of release is canceled, the court shall provide a defendant with a written order confirming release of the restriction. The written order shall serve as proof of release of the restriction until which time the department of licensing updates the driving record.

Sec. 4. RCW 38.52.430 and 2012 c 183 s 6 are each amended to read as follows:

A person whose intoxication causes an incident resulting in an appropriate emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for (1) driving while under the influence of intoxicating liquor or any drug, RCW 46.61.502; (2) physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, RCW 46.61.504; (3) operating an aircraft under the influence of intoxicants or drugs, RCW 47.68.220; ~~((+3))~~ (4) use of a vessel while under the influence of alcohol or drugs, RCW 79A.60.040; ~~((+4))~~ (5) vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a); or ~~((+5))~~ (6) vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), is liable for the expense of an emergency response by a public agency to the incident.

The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied. Following a conviction of an offense listed in this section, and prior to sentencing, the prosecution may present to the court information setting forth the expenses incurred by the public agency for its emergency response to the incident. Upon a finding by the court that the expenses are reasonable, the court shall order the defendant to reimburse the public agency. The cost reimbursement shall be included in the sentencing order as an additional monetary obligation of the defendant and may not be substituted for any other fine or cost required or allowed by statute. The court may establish a payment schedule for the payment of the cost reimbursement, separate from any payment schedule imposed for other fines and costs. All payments for the cost reimbursement must be remitted directly to the public agency or agencies that incurred the cost associated with the emergency response.

In no event shall a person's liability under this section for the expense of an emergency response exceed two thousand five hundred dollars for a particular incident.

If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section, and the sum of the claims exceeds the amount recovered, the division of the amount recovered shall be determined by an interlocal agreement consistent with the requirements of chapter 39.34 RCW.

Sec. 5. RCW 46.20.245 and 2005 c 288 s 1 are each amended to read as follows:

(1) Whenever the department proposes to withhold the driving privilege of a person or disqualify a person from operating a commercial motor vehicle and this action is made mandatory by the provisions of this chapter or other law, the department must give notice to the person in writing by posting in the United States mail, appropriately addressed, postage prepaid, or by personal service. Notice by mail is given upon deposit in the United States mail. Notice given under this subsection must specify the date upon which the driving privilege is to be withheld which shall not be less than forty-five days after the original notice is given.

(2) For persons subject to suspension, revocation, or denial of a driver's license who are eligible for full credit under RCW 46.61.5055(9)(b)(ii), the notice in subsection (1) of this section must also notify the person of the obligation to complete the requirements under RCW 46.20.311 and pay the probationary license fee under RCW 46.20.355 by the date specified in the notice in order to avoid license suspension.

(3) Within fifteen days after notice has been given to a person under subsection (1) of this section, the person may request in writing an administrative review before the department. If the request is mailed, it must be postmarked within fifteen days after the date the department has given notice. If a person fails to request an administrative review within fifteen days after the date the department gives notice, the person is considered to have defaulted and loses his or her right to an administrative review unless the department finds good cause for a request after the fifteen-day period.

(a) An administrative review under this subsection shall consist solely of an internal review of documents and records submitted or available to the department, unless the person requests an interview before the department, in which case all or any part of the administrative review may, at the discretion of the department, be conducted by telephone or other electronic means.

(b) The only issues to be addressed in the administrative review are:

(i) Whether the records relied on by the department identify the correct person; and

(ii) Whether the information transmitted from the court or other reporting agency or entity regarding the person accurately describes the action taken by the court or other reporting agency or entity.

(c) For the purposes of this section, the notice received from a court or other reporting agency or entity, regardless of form or format, is prima facie evidence that the information from the court or other reporting agency or entity regarding the person is accurate. A person requesting administrative review has the burden of showing by a preponderance of the evidence that the person is not subject to the withholding of the driving privilege.

(d) The action subject to the notification requirements of subsection (1) of this section shall be stayed during the administrative review process.

(e) Judicial review of a department order affirming the action subject to the notification requirements of subsection (1) of this section after an administrative review shall be available in the same manner as provided in RCW 46.20.308~~((9))~~ (8). The department shall certify its record to the court within thirty days after service upon the department of the petition for judicial review. The action subject to the notification requirements of subsection (1) of this section shall not automatically be stayed during the judicial review. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury.

~~((3))~~ (4) The department may adopt rules that are considered necessary or convenient by the department for purposes of administering this section, including, but not limited to, rules regarding expedited procedures for issuing orders and expedited notice procedures.

~~((4))~~ (5) This section does not apply where an opportunity for an informal settlement, driver improvement interview, or formal hearing is otherwise provided by law or rule of the department.

Sec. 6. RCW 46.20.3101 and 2016 c 203 s 18 are each amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days, unless the person successfully completes or is enrolled in a pretrial 24/7 sobriety program;

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(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for ~~((any portion of))~~ a suspension, revocation, or denial ~~((already served))~~ imposed under this section for any portion of a suspension, revocation, or denial ~~((imposed))~~ already served under RCW 46.61.5055 arising out of the same incident. If a person has already served a suspension, revocation, or denial under RCW 46.61.5055 for a period equal to or greater than the period imposed under this section, the department shall provide notice of full credit, shall provide for no further suspension or revocation under this section, and shall impose no additional reissue fees for this credit.

Sec. 7. RCW 46.20.355 and 1998 c 209 s 3 and 1998 c 41 s 5 are each reenacted and amended to read as follows:

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) If a person is eligible for full credit under RCW 46.61.5055(9)(b)(ii) and, by the date specified in the notice issued under RCW 46.20.245, has completed the requirements under RCW 46.20.311 and paid the fee under subsection (5) of this section, the department shall issue a probationary license on the date specified in the notice with no further action required of the person.

(5) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of fifty dollars in addition to any other licensing fees required. Except for

when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the fifty dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

~~((5))~~ (6) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

Sec. 8. RCW 46.20.720 and 2017 c 336 s 5 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of mandatory suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Calibration.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of ~~((0.025))~~ 0.020 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while ~~((*)~~ one or more passengers under the age of sixteen ~~((was))~~ were in the vehicle shall be extended for an additional ~~((six month))~~ period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) The period of restriction under (c) or (d) of this subsection shall be extended by one hundred eighty days whenever the department receives notice that the restricted person has been convicted under RCW 46.20.740 or 46.20.750.

(f) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

(g) The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) Requirements for removal. A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the one hundred eighty consecutive days prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of ~~((0.025))~~ 0.020 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than ~~((0.025))~~ 0.020, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) Day-for-day credit. (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident,

during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) Employer exemption. (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) Ignition interlock device revolving account. In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty-one dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) Foreign jurisdiction. For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

Sec. 9. RCW 46.20.740 and 2015 2nd sp.s. c 3 s 4 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or

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operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Any time a person is convicted under this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

Sec. 10. RCW 46.20.750 and 2015 2nd sp.s. c 3 s 6 are each amended to read as follows:

(1) A person who is restricted to the use of a vehicle equipped with an ignition interlock device is guilty of a gross misdemeanor if the restricted driver:

(a) Tamper with the device by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle;

(b) Uses or requests another person to use a filter or other device to circumvent the ignition interlock or to start or operate the vehicle to allow the restricted driver to operate the vehicle;

(c) Has, directs, authorizes, or requests another person to tamper with the device by modifying, detaching, disconnecting, or otherwise disabling it to allow the restricted driver to operate the vehicle; or

(d) Has, allows, directs, authorizes, or requests another person to blow or otherwise exhale into the device in order to circumvent the device to allow the restricted driver to operate the vehicle.

(2) A person who knowingly assists another person who is restricted to the use of a vehicle equipped with an ignition interlock device to circumvent the device or to start and operate that vehicle is guilty of a gross misdemeanor. The provisions of this subsection do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

(3) Any sentence imposed for a violation of subsection (1) of this section shall be served consecutively with any sentence imposed under RCW 46.20.740, 46.61.502, 46.61.504, 46.61.5055, 46.61.520(1)(a), or 46.61.522(1)(b).

(4) Any time a person is convicted under subsection (1) of this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e).

Sec. 11. RCW 46.55.113 and 2011 c 167 s 6 are each amended to read as follows:

(1) Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342 or 46.20.345, the vehicle is subject to summary impoundment, pursuant to the terms and conditions of an applicable local ordinance or state agency rule at the direction of a law enforcement officer.

(2) In addition, a police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

(a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(f) Whenever a vehicle without a special license plate, placard, or decal indicating that the vehicle is being used to transport a person with disabilities under RCW 46.19.010 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(g) Upon determining that a person is operating a motor vehicle without a valid and, if required, a specially endorsed driver's license or with a license that has been expired for ninety days or more;

(h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone;

(i) When a vehicle with an expired registration of more than forty-five days is parked on a public street;

(j) Upon determining that a person restricted to use of only a motor vehicle equipped with a functioning ignition interlock device is operating a motor vehicle that is not equipped with such a device in violation of RCW 46.20.740(2).

(3) When an arrest is made for a violation of RCW 46.20.342, if the vehicle is a commercial vehicle or farm transport vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this section, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available, as long as the owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)((a)) (b)(ii).

(4) Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

(5) For purposes of this section "farm transport vehicle" means a motor vehicle owned by a farmer and that is being actively used in the transportation of the farmer's or another farmer's farm, orchard, aquatic farm, or dairy products, including livestock and plant or animal wastes, from point of production to market or disposal, or supplies or commodities to be used on the farm, orchard, aquatic farm, or dairy, and that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more.

Sec. 12. RCW 46.61.500 and 2012 c 183 s 11 are each amended to read as follows:

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross

misdeemeanor punishable by imprisonment for up to three hundred sixty-four days and by a fine of not more than five thousand dollars.

(2)(a) Subject to (b) of this subsection, the license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

(b) When a reckless driving conviction is a result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, the department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under an administrative action arising out of the same incident. In the case of a person whose day-for-day credit is for a period equal to or greater than the period of suspension required under this section, the department shall provide notice of full credit, shall provide for no further suspension under this section, and shall impose no additional reissue fees for this credit. During any period of suspension, revocation, or denial due to a conviction for reckless driving as the result of a charge originally filed as a violation of RCW 46.61.502 or 46.61.504, any person who has obtained an ignition interlock driver's license under RCW 46.20.385 may continue to drive a motor vehicle pursuant to the provision of the ignition interlock driver's license without obtaining a separate temporary restricted driver's license under RCW 46.20.391.

(3)(a) Except as provided under (b) of this subsection, a person convicted of reckless driving who has one or more prior offenses as defined in RCW 46.61.5055(14) within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance.

(b) A person convicted of reckless driving shall be required, under RCW 46.20.720, to install an ignition interlock device on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug or RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug.

Sec. 13. RCW 46.61.504 and 2017 c 335 s 2 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section and it is an affirmative defense to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny the privilege to drive if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after being in control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in control of the vehicle, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~(ten)~~ fifteen years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.502(6).

Sec. 14. RCW 46.61.5055 and 2018 c 201 s 9009 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a

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test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a

test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of four days in jail and either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of six days in jail and either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of

the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the

court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ~~(ten)~~ fifteen years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ~~(ten)~~ fifteen years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five

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thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The

sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

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(d) "Within ~~((ten))~~ fifteen years" means that the arrest for a prior offense occurred within ~~((ten))~~ fifteen years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 15. RCW 46.61.5055 and 2019 c ... s 14 (section 14 of this act) are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((one day))~~ twenty-four consecutive hours nor more than three hundred sixty-four days. ~~((Twenty four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((two days))~~ forty-eight consecutive hours nor more than three hundred sixty-four days. ~~((Forty eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~ In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's

electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of ((four days in jail and)) either one hundred eighty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring ~~((Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based.))~~; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless

the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of ~~((six days in jail and))~~ either six months of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring~~((Forty five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))~~; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ninety days of imprisonment and one hundred twenty days of electronic home monitoring, the court may order ~~((at least an additional eight days in jail))~~ three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. The court shall order an expanded alcohol

assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring~~((Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))~~; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of one hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring, the court may order ~~((at least an additional ten days in jail))~~ three hundred sixty days of electronic home monitoring or a three hundred sixty-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring~~((One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based))~~; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

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(4) **Three or more prior offenses in fifteen years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within fifteen years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while ~~((a))~~ one or more passengers under the age of sixteen ~~((was))~~ were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional ~~((six))~~ twelve months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional eighteen months for each passenger under the age of sixteen when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of sixteen, and a fine of not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen. One thousand dollars of the fine for each passenger under the age of sixteen may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

~~((a))~~ (i) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

~~((+))~~ (A) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

~~((+))~~ (B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

~~((+))~~ (C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

~~((b))~~ (ii) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

~~((+))~~ (A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or

until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

((#)) (B) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

((#)) (C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

((#)) (iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

((#)) (A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

((#)) (B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

((#)) (C) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

(b)(i) The department shall grant credit on a day-for-day basis for ~~(any portion of)~~ a suspension, revocation, or denial ~~((already served))~~ imposed under this subsection (9) for any portion of a suspension, revocation, or denial ~~((imposed))~~ already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-

four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

- (a) A "prior offense" means any of the following:
 - (i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;
 - (ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;
 - (iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;
 - (iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;
 - (v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;
 - (vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;
 - (vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;
 - (viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;
 - (ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;
 - (x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;
 - (xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;
 - (xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;
 - (xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;
 - (xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;
 - (xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within fifteen years" means that the arrest for a prior offense occurred within fifteen years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 16. RCW 46.61.502 and 2017 c 335 s 1 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor, marijuana, or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of marijuana after the time of driving and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior

to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by marijuana in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class B felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~(ten)~~ fifteen years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.504(6).

Sec. 17. RCW 9.94A.525 and 2017 c 272 s 3 are each amended to read as follows:

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

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

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

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

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

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

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time

residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

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

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

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

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030;

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

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

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

Sec. 18. RCW 46.20.311 and 2016 c 203 s 12 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle

owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred (~~(fifty)~~) seventy-five dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until:

(i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred (~~(fifty)~~) seventy-five dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied

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after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred (~~(fifty)~~) seventy-five dollars.

Sec. 19. RCW 46.20.385 and 2017 c 336 s 4 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty-one dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain twenty-five cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the twenty-one dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The

department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

NEW SECTION. Sec. 20. (1) Within existing resources, the Washington association of sheriffs and police chiefs shall review current laws and regulations regarding the sentencing structure for impaired driving offenses in an effort to reduce fatalities from individuals driving under the influence. The review must include looking at lookback periods, number of previous offenses, and other possible recommendations to reduce these fatalities. The Washington association of sheriffs and police chiefs shall provide its recommendations to the governor and appropriate committees of the legislature by December 1, 2019.

(2) This section expires June 30, 2020.

NEW SECTION. Sec. 21. RCW 43.43.3951 (Ignition interlock devices—Limited exemption for companies not using devices employing fuel cell technology) and 2010 c 268 s 3 are each repealed.

NEW SECTION. Sec. 22. Sections 2, 3, 5 through 10, 12, 15, and 19 of this act take effect January 1, 2020."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 9.94A.533, 9.94A.729, 10.21.055, 38.52.430, 46.20.245, 46.20.3101, 46.20.720, 46.20.740, 46.20.750, 46.55.113, 46.61.500, 46.61.504, 46.61.5055, 46.61.5055, 46.61.502, 9.94A.525, 46.20.311, and 46.20.385; reenacting and amending RCW 46.20.355; creating a new section; repealing RCW 43.43.3951; prescribing penalties; providing an effective date; and providing an expiration date."

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

The President declared the question before the Senate to be the adoption of striking amendment no. 802 by Senator Pedersen to Engrossed Substitute House Bill No. 1504.

The motion by Senator Pedersen carried and striking amendment no. 802 was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1504 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1504 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 26, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Ormsby, Robinson, Stokesbary and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Rolfes, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1109 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1109 and the House amendment(s) there to: Senators Braun, Frockt and Rolfes.

MOTION

On motion of Senator Liias, the appointments to the conference committee were confirmed by voice vote.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8405, by Senator Liias

Amending the cutoff resolution.

The measure was read the second time.

MOTION

Senator Braun moved that the following amendment no. 814 by Senator Braun be adopted:

On page 1, line 7, after "funding" insert "or Substitute Senate Bill No. 5532"

Senators Braun and Liias spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 814 by Senator Braun on page 1, line 7 to Senate Concurrent Resolution No. 8405.

The motion by Senator Braun carried and amendment no. 814 was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Senate Concurrent Resolution No. 8405 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

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The President declared the question before the Senate to be the final passage of Engrossed Senate Concurrent Resolution No. 8405.

Senator Liias spoke in favor of adoption of the resolution.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8405 having received a majority was adopted by voice vote.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

MOTION

At 4:04 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 6:38 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 26, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 26, 2019, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5000

Relating to online access to health care resources for veterinarians and veterinary technicians.

Substitute Senate Bill No. 5003

Relating to Washington's business corporation act.

Substitute Senate Bill No. 5004

Relating to allowing animal care and control agencies and nonprofit humane societies to provide additional veterinary services to low-income households.

Senate Bill No. 5074

Relating to enactment of the uniform faithful presidential electors act.

Senate Bill No. 5119

Relating to including highway workers employed on a transportation project by a contractor in the tuition and fee exemption for children and surviving spouses of highway workers.

Substitute Senate Bill No. 5163

Relating to actions for wrongful injury or death.

Engrossed Second Substitute Senate Bill No. 5276

Relating to hemp production.

Substitute Senate Bill No. 5297

Relating to extending collective bargaining rights to assistant attorneys general.

Senate Bill No. 5310

Relating to correcting agency names and accounts in statutes to reflect the organizational structure, duties, and responsibilities of the office of financial management.

Engrossed Substitute Senate Bill No. 5311

Relating to government efficiency by eliminating, revising, or decodifying obsolete or inactive statutory provisions that concern the office of financial management.

Engrossed Substitute Senate Bill No. 5332

Relating to vital statistics.

Substitute Senate Bill No. 5394

Relating to liquor licensees' use of web sites and social media to promote events.

Senate Bill No. 5404

Relating to expanding the definition of fish habitat enhancement projects.

Substitute Senate Bill No. 5471

Relating to extending the validity of temporary elevator licenses, expanding membership of the elevator safety advisory committee, and allowing homeowners to remove certain conveyances from their residences.

Senate Bill No. 5558

Relating to reinstating the authority of the department of social and health services and the health care authority to purchase interpreter services for applicants and recipients of public assistance who are sensory-impaired.

Substitute Senate Bill No. 5638

Relating to recognizing the validity of distributed ledger technology.

Senate Bill No. 5641

Relating to electronic notarial acts by remotely located individuals.

Senate Bill No. 5795

Relating to construction contractors but only with respect to providing financial recourse to harmed consumers not to include a warranty and creating a work group.

Senate Bill No. 5909

Relating to the license to manufacture, import, sell, and export liquor.

Senate Bill No. 5923

Relating to establishing an emergency loan program to be administered by the county road administration board.

Sincerely,

/s/

Drew Shirk, Executive Director of Legislative Affairs

MOTION

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

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House receded from its amendment(s) to SENATE BILL NO. 5605. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5605 AMH GOOD H2997.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.96.060 and 2017 c 336 s 2, 2017 c 272 s 9, and 2017 c 128 s 1 are each reenacted and amended to read as follows:

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

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), and (5) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

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

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

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

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

((e)) (f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family member or household member against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the

totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

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

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

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

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

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

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

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

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

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

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

(b) The offender has been convicted of another crime, except prostitution, in this state, another state, or federal court since the date of conviction. The limitation in this subsection (3)(b) does not apply to convictions where the offender proves by a preponderance of the evidence that he or she committed the crime as a result of being a victim of trafficking, RCW 9A.40.100, promoting prostitution in the first degree, RCW 9A.88.070, promoting commercial sexual abuse of a minor, RCW 9.68A.101, or trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., according to the requirements provided in RCW 9.96.070 for each respective conviction.

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

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

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

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

(5) Every person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor marijuana offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

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

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, ((26.26.138)) 26.26B.050, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145); or (ii) stalking (RCW 9A.46.110). A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

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

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

or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Nguyen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5605.

Senator Nguyen spoke in favor of the motion.

MOTION

On motion of Senator Wilson, C., Senator Mullet was excused.

The President declared the question before the Senate to be the motion by Senator Nguyen that the Senate concur in the House amendment(s) to Senate Bill No. 5605.

The motion by Senator Nguyen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5605 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5605, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5605, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 15; Absent, 3; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Saldaña, Salomon, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, O'Ban, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Absent: Senators Padden, Rolfes and Sheldon

Excused: Senator Mullet

SENATE BILL NO. 5605, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Rivers, Senators Ericksen, Hawkins, Padden and Sheldon were excused.

On motion of Senator Wilson, C., Senators Mullet and Rolfes were excused.

MESSAGE FROM THE HOUSE

April 24, 2019

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5741. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5741-S.E AMH CODY H3066.1, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 3. RCW 43.371.005 and 2014 c 223 s 9 are each amended to read as follows:

The legislature finds that:

(1) The activities authorized by this chapter will require collaboration among state agencies and local governments that ((purchase)) are involved in health care, private health carriers, third-party purchasers, health care providers, and hospitals. These activities will identify strategies to increase the quality and effectiveness of health care delivered in Washington state and are therefore in the best interest of the public.

(2) The benefits of collaboration, together with active state supervision, outweigh potential adverse impacts. Therefore, the legislature intends to exempt from state antitrust laws, and provide immunity through the state action doctrine from federal antitrust laws, activities that are undertaken, reviewed, and approved by the ((office)) authority pursuant to this chapter that might otherwise be constrained by such laws. The legislature does not intend and does not authorize any person or entity to engage in activities not provided for by this chapter, and the legislature neither exempts nor provides immunity for such activities including, but not limited to, agreements among competing providers or carriers to set prices or specific levels of reimbursement for health care services.

Sec. 4. RCW 43.371.010 and 2015 c 246 s 1 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) "Authority" means the health care authority.

(2) "Carrier" and "health carrier" have the same meaning as in RCW 48.43.005.

(3) "Claims data" means the data required by RCW 43.371.030 to be submitted to the database, including billed, allowed and paid amounts, and such additional information as defined by the director in rule.

(4) "Data supplier" means: (a) A carrier, third-party administrator, or a public program identified in RCW 43.371.030 that provides claims data; and (b) a carrier or any other entity that provides claims data to the database at the request of an employer-sponsored self-funded health plan or Taft-Hartley trust health plan pursuant to RCW 43.371.030(1).

(5) "Data vendor" means an entity contracted to perform data collection, processing, aggregation, extracts, analytics, and reporting.

(6) "Database" means the statewide all-payer health care claims database established in RCW 43.371.020.

(7) "Direct patient identifier" means a data variable that directly identifies an individual, including: Names; telephone numbers; fax numbers; social security number; medical record numbers; health plan beneficiary numbers; account numbers; certificate or license numbers; vehicle identifiers and serial numbers, including license plate numbers; device identifiers and serial numbers; web universal resource locators; internet protocol address numbers; biometric identifiers, including finger and voice prints; and full face photographic images and any comparable images.

(8) "Director" means the director of ((financial management)) the authority.

(9) "Indirect patient identifier" means a data variable that may identify an individual when combined with other information.

(10) "Lead organization" means the organization selected under RCW 43.371.020.

(11) "Office" means the office of financial management.

(12) "Proprietary financial information" means claims data or reports that disclose or would allow the determination of specific terms of contracts, discounts, or fixed reimbursement arrangements or other specific reimbursement arrangements between an individual health care facility or health care provider, as those terms are defined in RCW 48.43.005, and a specific payer, or internal fee schedule or other internal pricing mechanism of integrated delivery systems owned by a carrier.

(13) "Unique identifier" means an obfuscated identifier assigned to an individual represented in the database to establish a basis for following the individual longitudinally throughout different payers and encounters in the data without revealing the individual's identity.

Sec. 5. RCW 43.371.020 and 2015 c 246 s 2 are each amended to read as follows:

(1) The office shall establish a statewide all-payer health care claims database ((to)). On January 1, 2020, the office must transfer authority and oversight for the database to the authority. The office and authority must develop a transition plan that sustains operations by July 1, 2019. The database shall support transparent public reporting of health care information. The database must improve transparency to: Assist patients, providers, and hospitals to make informed choices about care; enable providers, hospitals, and communities to improve by benchmarking their performance against that of others by focusing on best practices; enable purchasers to identify value, build expectations into their purchasing strategy, and reward improvements over time; and promote competition based on quality and cost. The database must systematically collect all medical claims and pharmacy claims from private and public payers, with data from all settings of care that permit the systematic analysis of health care delivery.

(2) The ((office)) authority shall use a competitive procurement process, in accordance with chapter 39.26 RCW, to select a lead organization from among the best potential bidders to coordinate and manage the database.

(a)(i) In conducting the competitive procurement, the authority must ensure that no state officer or state employee participating in the procurement process:

(A) Has a current relationship or had a relationship within the last three years with any organization that bids on the procurement that would constitute a conflict with the proper discharge of official duties under chapter 42.52 RCW; or

(B) Is a compensated or uncompensated member of a bidding organization's board of directors, advisory committee, or has held such a position in the past three years.

(ii) If any relationship or interest described in (a)(i) of this subsection is discovered during the procurement process, the officer or employee with the prohibited relationship must withdraw from involvement in the procurement process.

(b) Due to the complexities of the all payer claims database and the unique privacy, quality, and financial objectives, the ((office)) authority must ((award extra points in the scoring evaluation for)) give strong consideration to the following elements in determining the appropriate lead organization contractor: (i) The ((bidder's)) organization's degree of experience in health care data collection, analysis, analytics, and security; (ii) whether the ((bidder)) organization has a long-term self-sustainable financial model; (iii) the ((bidder's)) organization's experience in convening and effectively engaging stakeholders to develop reports, especially among groups of health providers, carriers, and self-insured purchasers; (iv) the ((bidder's)) organization's experience in meeting budget and timelines for report generations; and (v) the ((bidder's)) organization's ability to combine cost and quality data to assess total cost of care.

((b) By December 31, 2017,)) (c) The successful lead organization must apply to be certified as a qualified entity

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pursuant to 42 C.F.R. Sec. 401.703(a) by the centers for medicare and medicaid services.

- (d) The authority may not select a lead organization that:
- (i) Is a health plan as defined by and consistent with the definitions in RCW 48.43.005;
 - (ii) Is a hospital as defined in RCW 70.41.020;
 - (iii) Is a provider regulated under Title 18 RCW;
 - (iv) Is a third-party administrator as defined in RCW 70.290.010; or
 - (v) Is an entity with a controlling interest in any entity covered in (d)(i) through (iv) of this subsection.

(3) As part of the competitive procurement process referenced in subsection (2) of this section, the lead organization shall enter into a contract with a data vendor or multiple data vendors to perform data collection, processing, aggregation, extracts, and analytics. ((The)) A data vendor must:

- (a) Establish a secure data submission process with data suppliers;
- (b) Review data submitters' files according to standards established by the ((office)) authority;
- (c) Assess each record's alignment with established format, frequency, and consistency criteria;
- (d) Maintain responsibility for quality assurance, including, but not limited to: (i) The accuracy and validity of data suppliers' data; (ii) accuracy of dates of service spans; (iii) maintaining consistency of record layout and counts; and (iv) identifying duplicate records;
- (e) Assign unique identifiers, as defined in RCW 43.371.010, to individuals represented in the database;
- (f) Ensure that direct patient identifiers, indirect patient identifiers, and proprietary financial information are released only in compliance with the terms of this chapter;
- (g) Demonstrate internal controls and affiliations with separate organizations as appropriate to ensure safe data collection, security of the data with state of the art encryption methods, actuarial support, and data review for accuracy and quality assurance;
- (h) Store data on secure servers that are compliant with the federal health insurance portability and accountability act and regulations, with access to the data strictly controlled and limited to staff with appropriate training, clearance, and background checks; and
- (i) Maintain state of the art security standards for transferring data to approved data requestors.

(4) The lead organization and data vendor must submit detailed descriptions to the office of the chief information officer to ensure robust security methods are in place. The office of the chief information officer must report its findings to the ((office)) authority and the appropriate committees of the legislature.

(5) The lead organization is responsible for internal governance, management, funding, and operations of the database. At the direction of the ((office)) authority, the lead organization shall work with the data vendor to:

- (a) Collect claims data from data suppliers as provided in RCW 43.371.030;
- (b) Design data collection mechanisms with consideration for the time and cost incurred by data suppliers and others in submission and collection and the benefits that measurement would achieve, ensuring the data submitted meet quality standards and are reviewed for quality assurance;
- (c) Ensure protection of collected data and store and use any data in a manner that protects patient privacy and complies with this section. All patient-specific information must be deidentified with an up-to-date industry standard encryption algorithm;
- (d) Consistent with the requirements of this chapter, make information from the database available as a resource for public and private entities, including carriers, employers, providers, hospitals, and purchasers of health care;

(e) Report performance on cost and quality pursuant to RCW 43.371.060 using, but not limited to, the performance measures developed under RCW 41.05.690;

(f) Develop protocols and policies, including prerelease peer review by data suppliers, to ensure the quality of data releases and reports;

(g) Develop a plan for the financial sustainability of the database as ((self-sustaining)) may be reasonable and customary as compared to other states' databases and charge fees for reports and data files as needed to fund the database. Any fees must be approved by the ((office)) authority and should be comparable, accounting for relevant differences across data requests and uses. The lead organization may not charge providers or data suppliers fees other than fees directly related to requested reports and data files; and

(h) Convene advisory committees with the approval and participation of the ((office)) authority, including: (i) A committee on data policy development; and (ii) a committee to establish a data release process consistent with the requirements of this chapter and to provide advice regarding formal data release requests. The advisory committees must include in-state representation from key provider, hospital, public health, health maintenance organization, large and small private purchasers, consumer organizations, and the two largest carriers supplying claims data to the database.

(6) The lead organization governance structure and advisory committees for this database must include representation of the third-party administrator of the uniform medical plan. A payer, health maintenance organization, or third-party administrator must be a data supplier to the all-payer health care claims database to be represented on the lead organization governance structure or advisory committees.

Sec. 6. RCW 43.371.030 and 2015 c 246 s 3 are each amended to read as follows:

(1) The state medicaid program, public employees' benefits board programs, school employees' benefits board programs beginning July 1, 2020, all health carriers operating in this state, all third-party administrators paying claims on behalf of health plans in this state, and the state labor and industries program must submit claims data to the database within the time frames established by the director in rule and in accordance with procedures established by the lead organization. The director may expand this requirement by rule to include any health plans or health benefit plans defined in RCW 48.43.005(26) (a) through (i) to accomplish the goals of this chapter set forth in RCW 43.371.020(1). Employer-sponsored self-funded health plans and Taft-Hartley trust health plans may voluntarily provide claims data to the database within the time frames and in accordance with procedures established by the lead organization.

(2) Any data supplier used by an entity that voluntarily participates in the database must provide claims data to the data vendor upon request of the entity.

(3) The lead organization shall submit an annual status report to the ((office)) authority regarding compliance with this section.

Sec. 7. RCW 43.371.050 and 2015 c 246 s 5 are each amended to read as follows:

(1) Except as otherwise required by law, claims or other data from the database shall only be available for retrieval in processed form to public and private requesters pursuant to this section and shall be made available within a reasonable time after the request. Each request for claims data must include, at a minimum, the following information:

- (a) The identity of any entities that will analyze the data in connection with the request;
- (b) The stated purpose of the request and an explanation of how the request supports the goals of this chapter set forth in RCW 43.371.020(1);
- (c) A description of the proposed methodology;

(d) The specific variables requested and an explanation of how the data is necessary to achieve the stated purpose described pursuant to (b) of this subsection;

(e) How the requester will ensure all requested data is handled in accordance with the privacy and confidentiality protections required under this chapter and any other applicable law;

(f) The method by which the data will be ((stored,)) destroyed((, or returned to the lead organization)) at the conclusion of the data use agreement;

(g) The protections that will be utilized to keep the data from being used for any purposes not authorized by the requester's approved application; and

(h) Consent to the penalties associated with the inappropriate disclosures or uses of direct patient identifiers, indirect patient identifiers, or proprietary financial information adopted under RCW 43.371.070(1).

(2) The lead organization may decline a request that does not include the information set forth in subsection (1) of this section that does not meet the criteria established by the lead organization's data release advisory committee, or for reasons established by rule.

(3) Except as otherwise required by law, the ((office)) authority shall direct the lead organization and the data vendor to maintain the confidentiality of claims or other data it collects for the database that include proprietary financial information, direct patient identifiers, indirect patient identifiers, or any combination thereof. Any entity that receives claims or other data must also maintain confidentiality and may only release such claims data or any part of the claims data if:

(a) The claims data does not contain proprietary financial information, direct patient identifiers, indirect patient identifiers, or any combination thereof; and

(b) The release is described and approved as part of the request in subsection (1) of this section.

(4) The lead organization shall, in conjunction with the ((office)) authority and the data vendor, create and implement a process to govern levels of access to and use of data from the database consistent with the following:

(a) Claims or other data that include proprietary financial information, direct patient identifiers, indirect patient identifiers, unique identifiers, or any combination thereof may be released only to the extent such information is necessary to achieve the goals of this chapter set forth in RCW 43.371.020(1) to researchers with approval of an institutional review board upon receipt of a signed data use and confidentiality agreement with the lead organization. A researcher or research organization that obtains claims data pursuant to this subsection must agree in writing not to disclose such data or parts of the data set to any other party, including affiliated entities, and must consent to the penalties associated with the inappropriate disclosures or uses of direct patient identifiers, indirect patient identifiers, or proprietary financial information adopted under RCW 43.371.070(1).

(b) Claims or other data that do not contain direct patient identifiers, but that may contain proprietary financial information, indirect patient identifiers, unique identifiers, or any combination thereof may be released to:

(i) Federal, state, tribal, and local government agencies upon receipt of a signed data use agreement with the ((office)) authority and the lead organization. Federal, state, tribal, and local government agencies that obtain claims data pursuant to this subsection are prohibited from using such data in the purchase or procurement of health benefits for their employees; ((and))

(ii) Any entity when functioning as the lead organization under the terms of this chapter; and

(iii) The Washington health benefit exchange established under chapter 43.71 RCW, upon receipt of a signed data use agreement with the authority and the lead organization as directed by rules adopted under this chapter.

(c) Claims or other data that do not contain proprietary financial information, direct patient identifiers, or any combination thereof, but that may contain indirect patient identifiers, unique identifiers, or a combination thereof may be released to agencies, researchers, and other entities as approved by the lead organization upon receipt of a signed data use agreement with the lead organization.

(d) Claims or other data that do not contain direct patient identifiers, indirect patient identifiers, proprietary financial information, or any combination thereof may be released upon request.

(5) Reports utilizing data obtained under this section may not contain proprietary financial information, direct patient identifiers, indirect patient identifiers, or any combination thereof. Nothing in this subsection (5) may be construed to prohibit the use of geographic areas with a sufficient population size or aggregate gender, age, medical condition, or other characteristics in the generation of reports, so long as they cannot lead to the identification of an individual.

(6) Reports issued by the lead organization at the request of providers, facilities, employers, health plans, and other entities as approved by the lead organization may utilize proprietary financial information to calculate aggregate cost data for display in such reports. The ((office)) authority shall approve by rule a format for the calculation and display of aggregate cost data consistent with this chapter that will prevent the disclosure or determination of proprietary financial information. In developing the rule, the ((office)) authority shall solicit feedback from the stakeholders, including those listed in RCW 43.371.020(5)(h), and must consider, at a minimum, data presented as proportions, ranges, averages, and medians, as well as the differences in types of data gathered and submitted by data suppliers.

(7) Recipients of claims or other data under subsection (4) of this section must agree in a data use agreement or a confidentiality agreement to, at a minimum:

(a) Take steps to protect data containing direct patient identifiers, indirect patient identifiers, proprietary financial information, or any combination thereof as described in the agreement;

(b) Not redisclose the claims data except pursuant to subsection (3) of this section;

(c) Not attempt to determine the identity of any person whose information is included in the data set or use the claims or other data in any manner that identifies any individual or their family or attempt to locate information associated with a specific individual;

(d) Destroy ((or return)) claims data ((to the lead organization)) at the conclusion of the data use agreement; and

(e) Consent to the penalties associated with the inappropriate disclosures or uses of direct patient identifiers, indirect patient identifiers, or proprietary financial information adopted under RCW 43.371.070(1).

Sec. 8. RCW 43.371.060 and 2015 c 246 s 6 are each amended to read as follows:

(1)(a) Under the supervision of and through contract with the ((office)) authority, the lead organization shall prepare health care data reports using the database and the statewide health performance and quality measure set. Prior to the lead organization releasing any health care data reports that use claims data, the lead organization must submit the reports to the ((office)) authority for review.

(b) By October 31st of each year, the lead organization shall submit to the director a list of reports it anticipates producing during the following calendar year. The director may establish a public comment period not to exceed thirty days, and shall submit the list and any comment to the appropriate committees of the legislature for review.

(2)(a) Health care data reports that use claims data prepared by the lead organization for the legislature and the public should

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promote awareness and transparency in the health care market by reporting on:

(i) Whether providers and health systems deliver efficient, high quality care; and

(ii) Geographic and other variations in medical care and costs as demonstrated by data available to the lead organization.

(b) Measures in the health care data reports should be stratified by demography, income, language, health status, and geography when feasible with available data to identify disparities in care and successful efforts to reduce disparities.

(c) Comparisons of costs among providers and health care systems must account for differences in the case mix and severity of illness of patients and populations, as appropriate and feasible, and must take into consideration the cost impact of subsidization for uninsured and government-sponsored patients, as well as teaching expenses, when feasible with available data.

(3) The lead organization may not publish any data or health care data reports that:

(a) Directly or indirectly identify individual patients;

(b) Disclose a carrier's proprietary financial information; ((or))

(c) Compare performance in a report generated for the general public that includes any provider in a practice with fewer than four providers; or

(d) Contain medicaid data that is in direct conflict with the biannual medicaid forecast.

(4) The lead organization may not release a report that compares and identifies providers, hospitals, or data suppliers unless:

(a) It allows the data supplier, the hospital, or the provider to verify the accuracy of the information submitted to the data vendor, comment on the reasonableness of conclusions reached, and submit to the lead organization and data vendor any corrections of errors with supporting evidence and comments within thirty days of receipt of the report;

(b) It corrects data found to be in error within a reasonable amount of time; and

(c) The report otherwise complies with this chapter.

(5) The ((office)) authority and the lead organization may use claims data to identify and make available information on payers, providers, and facilities, but may not use claims data to recommend or incentivize direct contracting between providers and employers.

(6)(a) The lead organization shall distinguish in advance to the ((office)) authority when it is operating in its capacity as the lead organization and when it is operating in its capacity as a private entity. Where the lead organization acts in its capacity as a private entity, it may only access data pursuant to RCW 43.371.050(4) (b), (c), or (d).

(b) Except as provided in RCW 43.371.050(4), claims or other data that contain direct patient identifiers or proprietary financial information must remain exclusively in the custody of the data vendor and may not be accessed by the lead organization.

Sec. 9. RCW 43.371.070 and 2015 c 246 s 7 are each amended to read as follows:

(1) The director shall adopt any rules necessary to implement this chapter, including:

(a) Definitions of claim and data files that data suppliers must submit to the database, including: Files for covered medical services, pharmacy claims, and dental claims; member eligibility and enrollment data; and provider data with necessary identifiers;

(b) Deadlines for submission of claim files;

(c) Penalties for failure to submit claim files as required;

(d) Procedures for ensuring that all data received from data suppliers are securely collected and stored in compliance with state and federal law;

(e) Procedures for ensuring compliance with state and federal privacy laws;

(f) Procedures for establishing appropriate fees;

(g) Procedures for data release; ((and))

(h) Penalties associated with the inappropriate disclosures or uses of direct patient identifiers, indirect patient identifiers, and proprietary financial information; and

(i) A minimum reporting threshold below which a data supplier is not required to submit data.

(2) The director may not adopt rules, policies, or procedures beyond the authority granted in this chapter.

Sec. 10. RCW 43.371.080 and 2015 c 246 s 8 are each amended to read as follows:

(1) ((By December 1st of 2016 and 2017, the office shall report to the appropriate committees of the legislature regarding the development and implementation of the database, including but not limited to budget and cost detail, technical progress, and work plan metrics.

(2) Every two years commencing two years following the year in which the first report is issued or the first release of data is provided from the database, the office)) The authority shall report every two years to the appropriate committees of the legislature regarding the cost, performance, and effectiveness of the database and the performance of the lead organization under its contract with the ((office)) authority. Using independent economic expertise, subject to appropriation, the report must evaluate whether the database has advanced the goals set forth in RCW 43.371.020(1), as well as the performance of the lead organization. The report must also make recommendations regarding but not limited to how the database can be improved, whether the contract for the lead organization should be modified, renewed, or terminated, and the impact the database has had on competition between and among providers, purchasers, and payers.

((3) Beginning July 1, 2015, and every six months thereafter, the office)) (2) The authority shall annually report to the appropriate committees of the legislature regarding any additional grants received or extended.

NEW SECTION. **Sec. 11.** A new section is added to chapter 43.371 RCW to read as follows:

(1) To ensure the database is meeting the needs of state agencies and other data users, the authority shall convene a state agency coordinating structure, consisting of state agencies with related data needs and the Washington health benefit exchange to ensure effectiveness of the database and the agencies' programs. The coordinating structure must collaborate in a private/public manner with the lead organization and other partners key to the broader success of the database. The coordinating structure shall advise the authority and lead organization on the development of any database policies and rules relevant to agency data needs.

(2) The office must participate as a key part of the coordinating structure and evaluate progress towards meeting the goals of the database, and, as necessary, recommend strategies for maintaining and promoting the progress of the database in meeting the intent of this section, and report its findings biennially to the governor and the legislature. The authority shall facilitate the office obtaining the information needed to complete the report in a manner that is efficient and not overly burdensome for the parties. The authority must provide the office with access to database processes, procedures, nonproprietary methodologies, and outcomes to conduct the review and issue the biennial report. The biennial review shall assess, at a minimum the following:

(a) The list of approved agency use case projects and related data requirements under RCW 43.371.050(4);

(b) Successful and unsuccessful data requests and outcomes related to agency and nonagency health researchers pursuant to RCW 43.371.050(4);

(c) On-line data portal access and effectiveness related to research requests and data provider review and reconsideration;

(d) Adequacy of data security and policy consistent with the policy of the office of the chief information officer; and

(e) Timeliness, adequacy, and responsiveness of the database with regard to requests made under RCW 43.371.050(4) and for

potential improvements in data sharing, data processing, and communication.

(3) To promote the goal of improving health outcomes through better cost and quality information, the authority, in consultation with the agency coordinating structure, the office, lead organization, and data vendor shall make recommendations to the Washington state performance measurement coordinating committee as necessary to improve the effectiveness of the state common measure set as adopted under RCW 70.320.030.

NEW SECTION. Sec. 12. The lead organization and the authority shall provide any persons or entities that have a signed data use agreement with the lead organization in effect on June 1, 2019, with the option to extend the data use agreement through June 30, 2020. Any person or entity that chooses to extend its data use agreement through June 30, 2020, may not be charged any fees in excess of the fees in the data use agreement in effect on June 1, 2019.

NEW SECTION. Sec. 13. (1) The powers, duties, and functions of the office of financial management provided in chapter 43.371 RCW, except as otherwise specified in this act, are transferred to the health care authority.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material necessary for the health care authority to carry out the powers, duties, and functions in chapter 43.371 RCW being transferred from the office of financial management to the health care authority and that are in the possession of the office of financial management must be delivered to the custody of the health care authority. All funds or credits of the office of financial management that are solely for the purposes of fulfilling the powers, duties, and functions in chapter 43.371 RCW shall be assigned to the health care authority.

(b) Any specific appropriations made to the office of financial management for the sole purpose of fulfilling the duties, powers, and functions in chapter 43.371 RCW must, on the effective date of this section, be transferred and credited to the health care authority.

(c) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management must make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and pending business before the office of financial management specifically related to its powers, duties, and functions in chapter 43.371 RCW that are being transferred to the health care authority shall be continued and acted upon by the health care authority. All existing contracts and obligations remain in full force and must be performed by the health care authority.

(4) The transfer of the powers, duties, and functions of the office of financial management does not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these must make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 14. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5741.

Senator Keiser spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5741.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5741 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5741, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5741, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Bailey

Excused: Senators Mullet, Padden, Rolfes and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5741, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5748 with the following amendment(s): 5748-S AMH CB H2543.3

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The defense community compatibility account is created in the state treasury. Revenues to the account consist of appropriations by the legislature, private contributions, and all other sources deposited in the account.

(2)(a) Expenditures from the account may only be used for grants to local governments or entities who have entered into an agreement with a military installation in the state under the United States department of defense readiness and environmental protection integration program for purposes of the programs established in subsection (3) of this section, including administrative expenses. Priority must be given for grant applications accompanied by express support from nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the

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state, or other community partners. Only the director or the director's designee, may authorize expenditures. In order for the director or the director's designee to authorize an expenditure for the purpose identified in subsection (3) of this section, both federal and applicant funds must be committed to the same purposes or project as the state expenditure.

(b) An applicant must submit an application to the department in order to be eligible for funding under this subsection, and the department may not expend money on a project for which an applicant has not applied to the department to carry out the project.

(3)(a) The department may expend moneys from the account to provide state funds for projects identified by applicants to address incompatible development connected to Washington state military installations. For purposes of this section, "incompatible development" includes land development and military operations that impact the economy, environment, or quality of life opportunities for local communities.

(b) The department must evaluate and rank applications using objective criteria such as a community cost-benefit analysis, must consider recommendations from a citizens advisory commission comprised of representatives of community stakeholders impacted by military installations or their operations, must hold public hearings at least ninety days prior to any funding decision, and may consider the degree to which each project is compatible with the criteria established in the United States department of defense's readiness and environmental protection integration program.

(c) Eligible projects may include:

(i) Acquisition of real property or real property interests to eliminate an existing incompatible use;

(ii) Projects to jointly assist in the recovery or protection of endangered species dependent on military installation property for habitat;

(iii) Projects or programs to increase the availability of housing affordable to enlisted military personnel and nonmilitary residents in the local community;

(iv) Projects to retrofit existing uses to increase their compatibility with existing or future military operations;

(v) Projects to enable local communities heavily dependent on a nearby military installation to diversify the local economy so as to reduce the economic dependence on the military base;

(vi) Projects that aid communities to replace jobs lost in the event of a reduction of the military presence; and

(vii) Projects that improve or enhance aspects of the local economy, environment, or quality of life impacted by the presence of military activities.

(4) The department may adopt rules to implement this section.

NEW SECTION. Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department must produce a biennial report identifying a list of projects to address incompatible developments near military installations.

(a) The list must include a description of each project, the estimated cost of the project, the amount of recommended state funding, and the amount of any federal or local funds documented to be available to be used for the project.

(b) Projects on the list must be prioritized with consideration given to:

(i) The recommendations of the recent United States department of defense base realignment and closure (BRAC) processes, joint land use studies, or other federally initiated land use processes; and

(ii) Whether a branch of the United States armed forces has identified the project as increasing the viability of military installations for current or future missions.

(c) The department may consult with the commanders of United States military installations in Washington to understand

impacts and identify the viability of community identified projects to reduce incompatibility.

(2) The department must submit the report to appropriate committees of the house of representatives and the senate, including the joint committee on veterans' and military affairs and the house of representatives capital budget committee, by January 1, 2020, and every two years thereafter."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Conway moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5748.

Senators Conway, O'Ban and Frockt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Conway that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5748.

The motion by Senator Conway carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5748 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5748, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5748, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Saldaña, Salomon, Schoesler, Short, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Van De Wege

Excused: Senators Mullet, Rolfes and Sheldon

SUBSTITUTE SENATE BILL NO. 5748, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5800 with the following amendment(s): 5800-S2 AMH ENGR H2821.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.50 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the college board shall select four college districts, two on each side of the crest of the Cascade mountain range, to participate in a pilot program to provide assistance to

students experiencing homelessness and to students who were in the foster care system when they graduated high school. The college districts chosen to participate in the pilot program must provide certain accommodations to these students that may include, but are not limited to, the following:

- (a) Access to laundry facilities;
- (b) Access to storage;
- (c) Access to locker room and shower facilities;
- (d) Reduced-price meals or meal plans, and access to food banks;
- (e) Access to technology;
- (f) Access to short-term housing or housing assistance, especially during seasonal breaks; and
- (g) Case management services.

(2) The college districts may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness and students who were in the foster care system when they graduated high school.

(3) The college districts participating in the pilot program shall provide a joint report to the appropriate committees of the legislature by December 1, 2023, that includes at least the following information:

(a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who were attending a community or technical college during the pilot program. The college board shall coordinate with all of the community and technical colleges to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the community and technical colleges;

(b) The number of students assisted by the pilot program;

(c) Strategies for accommodating students experiencing homelessness or food insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(4) The college districts not selected to participate in the pilot program are:

(a) Invited to participate voluntarily; and

(b) Encouraged to submit the data required of the pilot program participants under subsection (3) of this section, regardless of participation status.

(5) The pilot program expires July 1, 2023.

(6) This section expires January 1, 2024.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.77 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the council shall select two public four-year institutions of higher education, one on each side of the crest of the Cascade mountain range, to participate in a pilot program to provide assistance to students experiencing homelessness and to students who were in the foster care system when they graduated high school. The four-year institutions of higher education chosen to participate in the pilot program must provide certain accommodations to these students that may include, but are not limited to, the following:

- (a) Access to laundry facilities;
- (b) Access to storage;
- (c) Access to locker room and shower facilities;
- (d) Reduced-price meals or meal plans, and access to food banks;
- (e) Access to technology;
- (f) Access to short-term housing or housing assistance, especially during seasonal breaks; and
- (g) Case management services.

(2) The four-year institutions of higher education may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness

and students who were in the foster care system when they graduated high school.

(3) The four-year institutions of higher education participating in the pilot program shall provide a joint report to the appropriate committees of the legislature by December 1, 2023, that includes at least the following information:

(a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who were attending a four-year institution of higher education during the pilot program. The council shall coordinate with all of the four-year institutions of higher education to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the four-year institutions of higher education;

(b) The number of students assisted by the pilot program;

(c) Strategies for accommodating students experiencing homelessness or food insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(4) The four-year institutions of higher education not selected to participate in the pilot program are:

(a) Invited to participate voluntarily; and

(b) Encouraged to submit the data required of the pilot program participants under subsection (3) of this section, regardless of participation status.

(5) The pilot program expires July 1, 2023.

(6) This section expires January 1, 2024.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Randall moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5800.

Senator Randall spoke in favor of the motion.

Senator Holy spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Randall that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5800.

The motion by Senator Randall carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5800 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5800, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5800, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

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Voting nay: Senators Bailey, Becker, Braun, Brown, Erickson, Fortunato, Hawkins, Holy, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Mullet and Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 5800, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

HOUSE BILL NO. 1016,
 SUBSTITUTE HOUSE BILL NO. 1083,
 SUBSTITUTE HOUSE BILL NO. 1155,
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1324,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1593,
 SECOND SUBSTITUTE HOUSE BILL NO. 1767,
 SECOND SUBSTITUTE HOUSE BILL NO. 1907,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1923,
 ENGROSSED HOUSE BILL NO. 2067,
 and HOUSE BILL NO. 2144.

MOTION

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1789, by Representatives Fey, Barkis, Irwin, Dent, Young, Mead, Chambers, Stanford, Ryu, Caldier, Springer, Walsh, Kloba, Kirby, Wylie, Griffey, Stokesbary, Vick, Appleton, Lovick, Ortiz-Self, Schmick, Steele, Dye, Doglio, Goodman and Santos

Making adjustments to the service and filing fees for vehicle subagents and county auditors.

The measure was read the second time.

MOTION

Senator King moved that the following floor amendment no. 812 by Senators Hobbs, King and Nguyen be adopted:

On page 2, line 29, after "((Twelve))", strike "Eighteen" and insert "Fifteen"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 812 by Senators Hobbs, King and Pedersen on page 2, line 29 to Engrossed House Bill No. 1789.

The motion by Senator King carried and floor amendment no. 812 was adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed House Bill No. 1789 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1789 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1789 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Braun, Erickson, Hasegawa, O'Ban and Padden

Excused: Senators Mullet and Sheldon

ENGROSSED HOUSE BILL NO. 1789, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2161, by House Committee on Transportation (originally sponsored by Fey and Fitzgibbon)

Concerning ferry vessel procurement.

The measure was read the second time.

MOTION

Senator Randall moved that the following floor amendment no. 800 by Senator Randall be adopted:

On page 4, line 4, after "(8)" strike "Beginning" and insert "Except as provided in subsection (10) of this section, beginning"

On page 4, after line 16, insert the following:

"(10) The commission shall not impose the additional vessel replacement surcharge in subsection (8) of this section if doing so would increase fares by more than ten percent."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 800 by Senator Randall on page 4, line 4 to Engrossed Substitute House Bill No. 2161.

The motion by Senator Randall carried and floor amendment no. 800 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Randall and without objection, floor amendment no. 801 by Senator Randall on page 4, line 4 to Engrossed Substitute House Bill No. 2161 was withdrawn.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute House Bill No. 2161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2161.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2161 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Solomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Brown, Erickson, Fortunato, Hawkins, Holy, Honeyford, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Mullet and Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5815 with the following amendment(s): 5815-S AMH HSEL WICK 415

On page 3, line 36, after "beverage." insert "The department shall adopt and implement rules based on empirically validated best practices to appropriately address offenses involving unlawful use or possession of a controlled substance and unlawful use or possession of alcohol committed by individuals placed in juvenile community facilities."

On page 3, beginning on line 37, strike all of section 3
Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Nguyen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5815.

Senator Nguyen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Nguyen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5815.

The motion by Senator Nguyen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5815 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5815, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5815, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Wagoner and Warnick

Excused: Senators Mullet and Sheldon

SUBSTITUTE SENATE BILL NO. 5815, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2019

MR. PRESIDENT:

The House passed SENATE BILL NO. 5817 with the following amendment(s): 5817 AMH HCW H2552.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.25.190 and 2000 c 171 s 8 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit:

(1) The temporary practice in this state of chiropractic by any chiropractor licensed by another state, territory, or country in which he or she resides. However, the chiropractor shall not establish a practice open to the general public and shall not engage in temporary practice under this section for a period longer than thirty days. The chiropractor shall register his or her intention to engage in the temporary practice of chiropractic in this state with the commission before engaging in the practice of chiropractic, and shall agree to be bound by such conditions as may be prescribed by rule by the commission.

(2) The practice of chiropractic((, except the administration of a chiropractic adjustment,)) by a person who is a regular senior student in an accredited school of chiropractic approved by the commission if the practice is part of a regular course of instruction offered by the school and the student is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the commission. A senior student practicing chiropractic under this subsection must pass an open book written jurisprudence examination approved by the commission prior to administering a chiropractic adjustment. The commission may adopt rules requiring the student and his or her supervising licensed chiropractor to file information with the commission regarding the practice of chiropractic under this subsection, including the name and contact information of the student, the name and contact information of the supervising licensed chiropractor, and the location where the student will be practicing.

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(3) The practice of chiropractic by a person serving a period of postgraduate chiropractic training in a program of clinical chiropractic training sponsored by a school of chiropractic accredited in this state if the practice is part of his or her duties as a clinical postgraduate trainee and the trainee is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the commission.

(4) The practice of chiropractic by a person who is eligible and has applied to take the next available examination for licensing offered by the commission, except that the unlicensed chiropractor must provide all services under the direct control and supervision of a licensed chiropractor approved by the commission. The unlicensed chiropractor may continue to practice as provided by this subsection until the results of the next available examination are published, but in no case for a period longer than six months. The commission shall adopt rules necessary to effectuate the intent of this subsection.

Any provision of chiropractic services by any individual under subsection (1), (2), (3), or (4) of this section shall be subject to the jurisdiction of the commission as provided in chapter 18.130 RCW."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Senate Bill No. 5817.

Senator Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Senate Bill No. 5817.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5817 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5817, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5817, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Mullet and Sheldon

SENATE BILL NO. 5817, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2019

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5846 with the following amendment(s): 5846-S2 AMH HCW H2524.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that a shortage of primary care health care providers has created significant provider access issues in Washington.

(2) The legislature further finds that international medical graduates residing in the state could provide increased access to primary care for state residents, but international medical graduates routinely face barriers to practice.

(3) Therefore, the legislature intends to establish the international medical graduate work group to study barriers to practice and make recommendations on how the state can implement an international medical graduate assistance program by January 1, 2022, to assist international medical graduates in integrating into the Washington health care delivery system.

NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts appropriated for this specific purpose, the international medical graduate work group is established. The work group membership must consist of the following members appointed by the governor:

(a) A representative from the medical quality assurance commission;

(b) A representative from the department of health, health systems quality assurance division;

(c) A representative from the University of Washington school of medicine graduate medical education program;

(d) A representative from the Washington State University Elson S. Floyd college of medicine graduate medical education program;

(e) A representative from the Pacific Northwest University of Health Sciences college of osteopathic medicine graduate medical education program;

(f) A representative from a statewide association representing physicians;

(g) A representative from the Washington state family medicine residency network;

(h) A representative from a primary care health care employer in a rural or underserved area of Washington;

(i) A representative from a health carrier offering coverage in a rural or underserved area of Washington;

(j) A licensed physician with experience working with international medical graduates;

(k) A representative from an organization specializing in refugee advocacy in Washington;

(l) A representative from an organization serving refugee physicians and international medical graduates;

(m) A representative from an organization offering counseling and educational programs to internationally trained health professionals;

(n) A representative from an organization representing community and migrant health centers; and

(o) At least two international medical graduates.

(2) The work group must:

(a) Develop strategies and recommendations for reducing barriers for international medical graduates obtaining residency positions in Washington, including preresidency training;

(b) Make recommendations for the appropriate number of residency positions to be designated for international medical graduates, and the locations and specialties of those positions; and

(c) Make recommendations on the postresidency service requirements for international medical graduates who graduate from a designated residency position.

(3) Staff support for the work group must be provided by the medical quality assurance commission.

(4) The work group must submit a report to the governor and

the legislature with its recommendations by December 1, 2019.

(5) This section expires June 30, 2020."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Saldaña moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5846.

Senator Saldaña spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Saldaña that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5846.

The motion by Senator Saldaña carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5846 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5846, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5846, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Holy, Honeyford, Schoesler, Short and Wilson, L.

Excused: Senators Mullet and Sheldon

SECOND SUBSTITUTE SENATE BILL NO. 5846, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2019

MR. PRESIDENT:

The House passed SUBSTITUTION SENATE BILL NO. 5861 with the following amendment(s): 5861-S AMH SGOV H2667.1

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 44.04 RCW to read as follows:

The chief clerk of the house of representatives and the secretary of the senate shall develop and provide a training course for registered lobbyists regarding the legislative code of conduct and any policies related to appropriate conduct adopted by the senate or the house of representatives.

Sec. 2. RCW 42.17A.600 and 2010 c 204 s 801 are each amended to read as follows:

(1) Before lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, that includes the

following information:

(a) The lobbyist's name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of the lobbyist's employment;

(d) The compensation to be received for lobbying, the amount to be paid for expenses, and what expenses are to be reimbursed;

(e) Whether the lobbyist is employed solely as a lobbyist or whether the lobbyist is a regular employee performing services for his or her employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects to be lobbied;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments, or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding five hundred dollars to such entity during the current year;

(j) An attestation that the lobbyist has read and completed a training course provided under section 1 of this act regarding the legislative code of conduct and any policies related to appropriate conduct adopted by the senate or the house of representatives.

(2) Any lobbyist who receives or is to receive compensation from more than one person for lobbying shall file a separate notice of representation for each person. However, if two or more persons are jointly paying or contributing to the payment of the lobbyist, the lobbyist may file a single statement detailing the name, business address, and occupation of each person paying or contributing and the respective amounts to be paid or contributed.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall file with the commission an amended registration statement within one week of the change, modification, or termination.

(4) Each registered lobbyist shall file a new registration statement, revised as appropriate, on the second Monday in January of each odd-numbered year. Failure to do so terminates the lobbyist's registration.

Sec. 3. RCW 42.17A.605 and 2010 c 204 s 802 are each amended to read as follows:

Each lobbyist shall at the time he or she registers submit to the commission a recent photograph of himself or herself of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of his or her employment as a lobbyist before the legislature, a brief biographical description, and any other information he or she may wish to submit not to exceed fifty words in length. The photograph ((and)), information, and attestation submitted under RCW 42.17A.600(1)(j) shall be published by the commission at least biennially in a booklet form for distribution to legislators and the public.

NEW SECTION. Sec. 4. A new section is added to chapter 42.17A RCW to read as follows:

(1) A lobbyist who is registered under RCW 42.17A.600 before December 31, 2019, is required to update the lobbyist's registration materials to include the attestation required by RCW 42.17A.600(1)(j) by December 31, 2019.

(2) The commission shall revoke the registration of any

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lobbyist registered under RCW 42.17A.600 who does not comply with subsection (1) of this section.

(3) The commission may not impose any other penalty on a lobbyist registered under RCW 42.17A.600 for failure to comply with subsection (1) of this section.

(4) The commission shall collaborate with the chief clerk of the house of representatives and the secretary of the senate to develop a process to verify that lobbyists who submit an attestation under RCW 42.17A.600(1)(j) have completed the training course provided under section 1 of this act.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act take effect December 31, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5861.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5861.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5861 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5861, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5861, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darnelle, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, King, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Mullet and Sheldon

SUBSTITUTE SENATE BILL NO. 5861, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:33 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus.

The Senate was called to order at 9:20 p.m. by President Habib.

MESSAGE FROM THE HOUSE

April 26, 2019

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5380 and has passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Substitute Senate Bill No. 5380

April 26, 2019

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Substitute Senate Bill No. 5380, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that opioid use disorder is a public health crisis. State agencies must increase access to evidence-based opioid use disorder treatment services, promote coordination of services within the substance use disorder treatment and recovery support system, strengthen partnerships between opioid use disorder treatment providers and their allied community partners, expand the use of the Washington state prescription drug monitoring program, and support comprehensive school and community-based substance use prevention services.

This act leverages the direction provided by the Washington state interagency opioid working plan in order to address the opioid epidemic challenging communities throughout the state.

Agencies administering state purchased health care programs, as defined in RCW 41.05.011, shall coordinate activities to implement the provisions of this act and the Washington state interagency opioid working plan, explore opportunities to address the opioid epidemic, and provide status updates as directed by the joint legislative executive committee on health care oversight to promote legislative and executive coordination.

Sec. 2. 2005 c 70 s 1 (uncodified) is amended to read as follows:

The legislature finds that drug use among pregnant (~~women~~) individuals is a significant and growing concern statewide. (~~The legislature further finds that methadone, although an effective alternative to other substance use treatments, can result in babies who are exposed to methadone while in utero being born addicted and facing the painful effects of withdrawal.~~) Evidence-informed group prenatal care reduces preterm birth for infants, and increases maternal social cohesion and support during pregnancy and postpartum, which is good for maternal mental health.

It is the intent of the legislature to notify all pregnant (~~mothers~~) individuals who are receiving (~~methadone treatment~~) medication for the treatment of opioid use disorder of the risks and benefits (~~methadone~~) such medication could have on their baby during pregnancy through birth and to inform them of the potential need for the newborn baby to be (~~taken care of~~) treated in a hospital setting or in a specialized supportive environment designed specifically to address (~~newborn~~)

~~addiction problems)) and manage neonatal opioid or other drug withdrawal syndromes.~~

NEW SECTION. **Sec. 3.** A new section is added to chapter 18.22 RCW to read as follows:

By January 1, 2020, the board must adopt or amend its rules to require podiatric physicians who prescribe opioids to inform patients of their right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the podiatric physician must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

NEW SECTION. **Sec. 4.** A new section is added to chapter 18.32 RCW to read as follows:

By January 1, 2020, the commission must adopt or amend its rules to require dentists who prescribe opioids to inform patients of their right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the dentist must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

NEW SECTION. **Sec. 5.** A new section is added to chapter 18.57 RCW to read as follows:

By January 1, 2020, the board must adopt or amend its rules to require osteopathic physicians who prescribe opioids to inform patients of their right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the osteopathic physician must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

NEW SECTION. **Sec. 6.** A new section is added to chapter 18.57A RCW to read as follows:

By January 1, 2020, the board must adopt or amend its rules to require osteopathic physicians' assistants who prescribe opioids to inform patients of their right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the osteopathic physician's assistant must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

NEW SECTION. **Sec. 7.** A new section is added to chapter 18.64 RCW to read as follows:

A pharmacist may partially fill a prescription for a schedule II controlled substance, if the partial fill is requested by the patient or the prescribing practitioner and the total quantity dispensed in all partial fillings does not exceed the quantity prescribed.

NEW SECTION. **Sec. 8.** A new section is added to chapter 18.71 RCW to read as follows:

By January 1, 2020, the commission must adopt or amend its rules to require physicians who prescribe opioids to inform patients of their right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the physician must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

NEW SECTION. **Sec. 9.** A new section is added to chapter 18.71A RCW to read as follows:

By January 1, 2020, the commission must adopt or amend its rules to require physician assistants who prescribe opioids to inform patients of their right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the physician assistant must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

NEW SECTION. **Sec. 10.** A new section is added to chapter 18.79 RCW to read as follows:

By January 1, 2020, the commission must adopt or amend its rules to require advanced registered nurse practitioners who prescribe opioids to inform patients of their right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the advanced registered nurse practitioner must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

NEW SECTION. **Sec. 11.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department must create a statement warning individuals about the risks of opioid use and abuse and provide information about safe disposal of opioids. The department must provide the warning on its web site.

(2) The department must review the science, data, and best practices around the use of opioids and their associated risks. As evidence and best practices evolve, the department must update its warning to reflect these changes.

(3) The department must update its patient education materials to reflect the patient's right to refuse an opioid prescription or order.

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.70 RCW to read as follows:

The secretary shall be responsible for coordinating the statewide response to the opioid epidemic and executing the state opioid response plan, in partnership with the health care authority. The department and the health care authority must collaborate with each of the agencies and organizations identified in the state opioid response plan.

Sec. 13. RCW 69.41.055 and 2016 c 148 s 15 are each amended to read as follows:

(1) Information concerning an original prescription or information concerning a prescription refill for a legend drug may be electronically communicated between an authorized practitioner and a pharmacy of the patient's choice with no intervening person having access to the prescription drug order pursuant to the provisions of this chapter if the electronically communicated prescription information complies with the following:

(a) Electronically communicated prescription information must comply with all applicable statutes and rules regarding the form, content, recordkeeping, and processing of a prescription or order for a legend drug;

(b) ~~((The system used for transmitting electronically communicated prescription information and the system used for receiving electronically communicated prescription information must be approved by the commission. This subsection does not apply to currently used facsimile equipment transmitting an exact visual image of the prescription. The commission shall maintain and provide, upon request, a list of systems used for electronically communicating prescription information currently approved by the commission;~~

~~((e)))~~ An explicit opportunity for practitioners must be made to indicate their preference on whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted. This section does not limit the ability of practitioners and pharmacists to permit substitution by default under a prior-consent authorization;

~~((d)))~~ (c) Prescription drug orders are confidential health information, and may be released only to the patient or the patient's authorized representative, the prescriber or other authorized practitioner then caring for the patient, or other

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persons specifically authorized by law to receive such information;

~~((e))~~ (d) To maintain confidentiality of prescription records, the electronic system shall have adequate security and systems safeguards designed to prevent and detect unauthorized access, modification, or manipulation of these records. ~~(The pharmacist in charge shall establish or verify the existence of policies and procedures which ensure the integrity and confidentiality of prescription information transmitted to the pharmacy by electronic means. All managers, employees, and agents of the pharmacy are required to read, sign, and comply with the established policies and procedures);~~ and

~~((f))~~ (e) The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the prescription drug order received by way of electronic transmission, consistent with federal and state laws and rules and guidelines of the commission.

(2) The electronic or digital signature of the prescribing practitioner's agent on behalf of the prescribing practitioner for a resident in a long-term care facility or hospice program, pursuant to a valid order and authorization under RCW 18.64.550, constitutes a valid electronic communication of prescription information. Such an authorized signature and transmission by an agent in a long-term care facility or hospice program does not constitute an intervening person having access to the prescription drug order.

(3) The commission may adopt rules implementing this section.

Sec. 14. RCW 69.41.095 and 2015 c 205 s 2 are each amended to read as follows:

(1)(a) A practitioner may prescribe, dispense, distribute, and deliver an opioid overdose reversal medication: (i) Directly to a person at risk of experiencing an opioid-related overdose; or (ii) by prescription, collaborative drug therapy agreement, standing order, or protocol to a first responder, family member, or other person or entity in a position to assist a person at risk of experiencing an opioid-related overdose. Any such prescription, standing order, or protocol ~~(order)~~ is issued for a legitimate medical purpose in the usual course of professional practice.

(b) At the time of prescribing, dispensing, distributing, or delivering the opioid overdose reversal medication, the practitioner shall inform the recipient that as soon as possible after administration of the opioid overdose reversal medication, the person at risk of experiencing an opioid-related overdose should be transported to a hospital or a first responder should be summoned.

(2) A pharmacist may dispense an opioid overdose reversal medication pursuant to a prescription, collaborative drug therapy agreement, standing order, or protocol issued in accordance with subsection (1)(a) of this section and may administer an opioid overdose reversal medication to a person at risk of experiencing an opioid-related overdose. At the time of dispensing an opioid overdose reversal medication, a pharmacist shall provide written instructions on the proper response to an opioid-related overdose, including instructions for seeking immediate medical attention. The instructions to seek immediate ~~(medication)~~ medical attention must be conspicuously displayed.

(3) Any person or entity may lawfully possess, store, deliver, distribute, or administer an opioid overdose reversal medication pursuant to a prescription ~~(or)~~, collaborative drug therapy agreement, standing order, or protocol issued by a practitioner in accordance with subsection (1) of this section.

(4) The following individuals, if acting in good faith and with reasonable care, are not subject to criminal or civil liability or disciplinary action under chapter 18.130 RCW for any actions

authorized by this section or the outcomes of any actions authorized by this section:

(a) A practitioner who prescribes, dispenses, distributes, or delivers an opioid overdose reversal medication pursuant to subsection (1) of this section;

(b) A pharmacist who dispenses an opioid overdose reversal medication pursuant to subsection (2) or (5)(a) of this section;

(c) A person who possesses, stores, distributes, or administers an opioid overdose reversal medication pursuant to subsection (3) of this section.

(5) The secretary or the secretary's designee may issue a standing order prescribing opioid overdose reversal medications to any person at risk of experiencing an opioid-related overdose or any person or entity in a position to assist a person at risk of experiencing an opioid-related overdose. The standing order may be limited to specific areas in the state or issued statewide.

(a) A pharmacist shall dispense an opioid overdose reversal medication pursuant to a standing order issued in accordance with this subsection, consistent with the pharmacist's responsibilities to dispense prescribed legend drugs, and may administer an opioid overdose reversal medication to a person at risk of experiencing an opioid-related overdose. At the time of dispensing an opioid overdose reversal medication, a pharmacist shall provide written instructions on the proper response to an opioid-related overdose, including instructions for seeking immediate medical attention. The instructions to seek immediate medical attention must be conspicuously displayed.

(b) Any person or entity may lawfully possess, store, deliver, distribute, or administer an opioid overdose reversal medication pursuant to a standing order issued in accordance with this subsection (5). The department, in coordination with the appropriate entity or entities, shall ensure availability of a training module that provides training regarding the identification of a person suffering from an opioid-related overdose and the use of opioid overdose reversal medications. The training must be available electronically and in a variety of media from the department.

(c) This subsection (5) does not create a private cause of action. Notwithstanding any other provision of law, neither the state nor the secretary nor the secretary's designee has any civil liability for issuing standing orders or for any other actions taken pursuant to this chapter or for the outcomes of issuing standing orders or any other actions taken pursuant to this chapter. Neither the secretary nor the secretary's designee is subject to any criminal liability or professional disciplinary action for issuing standing orders or for any other actions taken pursuant to this chapter.

(d) For purposes of this subsection (5), "standing order" means an order prescribing medication by the secretary or the secretary's designee. Such standing order can only be issued by a practitioner as defined in this chapter.

(6) The labeling requirements of RCW 69.41.050 and 18.64.246 do not apply to opioid overdose reversal medications dispensed, distributed, or delivered pursuant to a prescription, collaborative drug therapy agreement, standing order, or protocol issued in accordance with this section. The individual or entity that dispenses, distributes, or delivers an opioid overdose reversal medication as authorized by this section shall ensure that directions for use are provided.

(7) For purposes of this section, the following terms have the following meanings unless the context clearly requires otherwise:

(a) "First responder" means: (i) A career or volunteer firefighter, law enforcement officer, paramedic as defined in RCW 18.71.200, or first responder or emergency medical technician as defined in RCW 18.73.030; and (ii) an entity that

employs or supervises an individual listed in (a)(i) of this subsection, including a volunteer fire department.

(b) "Opioid overdose reversal medication" means any drug used to reverse an opioid overdose that binds to opioid receptors and blocks or inhibits the effects of opioids acting on those receptors. It does not include intentional administration via the intravenous route.

(c) "Opioid-related overdose" means a condition including, but not limited to, ~~((extreme physical illness,))~~ decreased level of consciousness, nonresponsiveness, respiratory depression, coma, or death that: (i) Results from the consumption or use of an opioid or another substance with which an opioid was combined; or (ii) a lay person would reasonably believe to be an opioid-related overdose requiring medical assistance.

(d) "Practitioner" means a health care practitioner who is authorized under RCW 69.41.030 to prescribe legend drugs.

(e) "Standing order" or "protocol" means written or electronically recorded instructions, prepared by a prescriber, for distribution and administration of a drug by designated and trained staff or volunteers of an organization or entity, as well as other actions and interventions to be used upon the occurrence of clearly defined clinical events in order to improve patients' timely access to treatment.

Sec. 15. RCW 69.50.312 and 2013 c 276 s 4 and 2013 c 19 s 105 are each reenacted and amended to read as follows:

(1) Information concerning a prescription for a controlled substance included in Schedules II through V, or information concerning a refill authorization for a controlled substance included in Schedules III through V ~~((-))~~, may be electronically communicated to a pharmacy of the patient's choice pursuant to the provisions of this chapter if the electronically communicated prescription information complies with the following:

(a) Electronically communicated prescription information must comply with all applicable statutes and rules regarding the form, content, recordkeeping, and processing of a prescription for a legend drug;

(b) The system used for transmitting electronically communicated prescription information must ~~((be approved by the commission and in accordance))~~ comply with federal rules for electronically communicated prescriptions for controlled substance ~~((-))~~ included in Schedules II through V, as set forth in Title 21 C.F.R. Parts 1300, 1304, 1306, and 1311 ~~((-This subsection does not apply to currently used facsimile equipment transmitting an exact visual image of the prescription. The commission shall maintain and provide, upon request, a list of systems used for electronically communicating prescription information currently approved by the commission))~~;

(c) An explicit opportunity for practitioners must be made to indicate their preference on whether a therapeutically equivalent generic drug may be substituted;

(d) Prescription drug orders are confidential health information, and may be released only to the patient or the patient's authorized representative, the prescriber or other authorized practitioner then caring for the patient, or other persons specifically authorized by law to receive such information;

(e) To maintain confidentiality of prescription records, the electronic system shall have adequate security and systems safeguards designed to prevent and detect unauthorized access, modification, or manipulation of these records ~~((-The pharmacist in charge shall establish or verify the existence of policies and procedures which ensure the integrity and confidentiality of prescription information transmitted to the pharmacy by electronic means. All managers, employees, and agents of the~~

~~pharmacy are required to read, sign, and comply with the established policies and procedures))~~; and

(f) The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the prescription drug order received by way of electronic transmission, consistent with federal and state laws and rules and guidelines of the commission.

(2) The commission may adopt rules implementing this section.

Sec. 16. RCW 69.50.312 and 2013 c 276 s 4 and 2013 c 19 s 105 are each reenacted and amended to read as follows:

(1) Information concerning a prescription for a controlled substance included in Schedules II through V, or information concerning a refill authorization for a controlled substance included in Schedules III through V ~~((may))~~, must be electronically communicated to a pharmacy of the patient's choice pursuant to the provisions of this chapter if the electronically communicated prescription information complies with the following:

(a) Electronically communicated prescription information must comply with all applicable statutes and rules regarding the form, content, recordkeeping, and processing of a prescription for a legend drug;

(b) ~~((The system used for transmitting electronically communicated prescription information must be approved by the commission and in accordance with federal rules for electronically communicated prescriptions for controlled substance[s] included in Schedules II through V, as set forth in Title 21 C.F.R. Parts 1300, 1304, 1306, and 1311. This subsection does not apply to currently used facsimile equipment transmitting an exact visual image of the prescription. The commission shall maintain and provide, upon request, a list of systems used for electronically communicating prescription information currently approved by the commission;~~

~~((An explicit opportunity for practitioners must be made to indicate their preference on whether a therapeutically equivalent generic drug may be substituted;~~

~~((Prescription drug orders ((are confidential health information, and)) may be released only to the patient or the patient's authorized representative, the prescriber or other authorized practitioner then caring for the patient, or other persons specifically authorized by law to receive such information;~~

~~((To maintain confidentiality of prescription records, the electronic system shall have adequate security and systems safeguards designed to prevent and detect unauthorized access, modification, or manipulation of these records. The pharmacist in charge shall establish or verify the existence of policies and procedures which ensure the integrity and confidentiality of prescription information transmitted to the pharmacy by electronic means. All managers, employees, and agents of the pharmacy are required to read, sign, and comply with the established policies and procedures; and~~

~~((The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the prescription drug order received by way of electronic transmission, consistent with federal and state laws and rules and guidelines of the commission.~~

~~((The commission may adopt rules implementing this section.))~~ The following are exempt from subsection (1) of this section:

(a) Prescriptions issued by veterinarians, as that practice is defined in RCW 18.92.010;

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(b) Prescriptions issued for a patient of a long-term care facility as defined in RCW 18.64.011, or a hospice program as defined in RCW 18.64.011;

(c) When the electronic system used for the communication of prescription information is unavailable due to a temporary technological or electronic failure;

(d) Prescriptions issued that are intended for prescription fulfillment and dispensing outside Washington state;

(e) When the prescriber and pharmacist are employed by the same entity, or employed by entities under common ownership or control;

(f) Prescriptions issued for a drug that the United States food and drug administration or the United States drug enforcement administration requires to contain certain elements that are not able to be accomplished electronically;

(g) Any controlled substance prescription that requires compounding as defined in RCW 18.64.011;

(h) Prescriptions issued for the dispensing of a nonpatient specific prescription under a standing order, approved protocol for drug therapy, collaborative drug therapy agreement, in response to a public health emergency, or other circumstances allowed by statute or rule where a practitioner may issue a nonpatient specific prescription;

(i) Prescriptions issued under a drug research protocol;

(j) Prescriptions issued by a practitioner with the capability of electronic communication of prescription information under this section, when the practitioner reasonably determines it is impractical for the patient to obtain the electronically communicated prescription in a timely manner, and such delay would adversely impact the patient's medical condition; or

(k) Prescriptions issued by a prescriber who has received a waiver from the department.

(3) The department must develop a waiver process for the requirements of subsection (1) of this section for practitioners due to economic hardship, technological limitations that are not reasonably in the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner. The waiver must be limited to one year or less, or for any other specified time frame set by the department.

(4) A pharmacist who receives a written, oral, or faxed prescription is not required to verify that the prescription properly meets any exemptions under this section. Pharmacists may continue to dispense and deliver medications from otherwise valid written, oral, or faxed prescriptions.

(5) An individual who violates this section commits a civil violation. Disciplinary authorities may impose a fine of two hundred fifty dollars per violation, not to exceed five thousand dollars per calendar year. Fines imposed under this section must be allocated to the health professions account.

(6) Systems used for the electronic communication of prescription information must:

(a) Comply with federal laws and rules for electronically communicated prescriptions for controlled substances included in Schedules II through V, as required by Title 21 C.F.R. parts 1300, 1304, 1306, and 1311;

(b) Meet the national council for prescription drug prescriber/pharmacist interface SCRIPT standard as determined by the department in rule;

(c) Have adequate security and systems safeguards designed to prevent and detect unauthorized access, modification, or manipulation of these records;

(d) Provide an explicit opportunity for practitioners to indicate their preference on whether a therapeutically equivalent generic drug may be substituted; and

(e) Include the capability to input and track partial fills of a controlled substance prescription in accordance with section 7 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 69.50 RCW to read as follows:

(1) Any practitioner who writes the first prescription for an opioid during the course of treatment to any patient must, under professional rules, discuss the following with the patient:

(a) The risks of opioids, including risk of dependence and overdose;

(b) Pain management alternatives to opioids, including nonopioid pharmacological treatments, and nonpharmacological treatments available to the patient, at the discretion of the practitioner and based on the medical condition of the patient; and

(c) A written copy of the warning language provided by the department under section 11 of this act.

(2) If the patient is under eighteen years old or is not competent, the discussion required by subsection (1) of this section must include the patient's parent, guardian, or the person identified in RCW 7.70.065, unless otherwise provided by law.

(3) The practitioner shall document completion of the requirements in subsection (1) of this section in the patient's health care record.

(4) To fulfill the requirements of subsection (1) of this section, a practitioner may designate any individual who holds a credential issued by a disciplining authority under RCW 18.130.040 to conduct the discussion.

(5) Violation of this section constitutes unprofessional conduct under chapter 18.130 RCW.

(6) This section does not apply to:

(a) Opioid prescriptions issued for the treatment of pain associated with terminal cancer or other terminal diseases, or for palliative, hospice, or other end-of-life care of where the practitioner determines the health, well-being, or care of the patient would be compromised by the requirements of this section and documents such basis for the determination in the patient's health care record; or

(b) Administration of an opioid in an inpatient or outpatient treatment setting.

(7) This section does not apply to practitioners licensed under chapter 18.92 RCW.

(8) The department shall review this section by March 31, 2026, and report to the appropriate committees of the legislature on whether this section should be retained, repealed, or amended.

Sec. 18. RCW 70.41.480 and 2015 c 234 s 1 are each amended to read as follows:

(1) The legislature finds that high quality, safe, and compassionate health care services for patients of Washington state must be available at all times. The legislature further finds that there is a need for patients being released from hospital emergency departments to maintain access to emergency medications when community or hospital pharmacy services are not available, including medication for opioid overdose reversal and for the treatment for opioid use disorder as appropriate. It is the intent of the legislature to accomplish this objective by allowing practitioners with prescriptive authority to prescribe limited amounts of prepackaged emergency medications to patients being discharged from hospital emergency departments when access to community or outpatient hospital pharmacy services is not otherwise available.

(2) A hospital may allow a practitioner to prescribe prepackaged emergency medications and allow a practitioner or a registered nurse licensed under chapter 18.79 RCW to distribute prepackaged emergency medications to patients being discharged

from a hospital emergency department in the following circumstances:

(a) During times when community or outpatient hospital pharmacy services are not available within fifteen miles by road ~~((or))~~;

(b) When, in the judgment of the practitioner and consistent with hospital policies and procedures, a patient has no reasonable ability to reach the local community or outpatient pharmacy; or

(c) When, in the judgment of the practitioner and consistent with hospital policies and procedures, a patient is at risk of opioid overdose and the prepackaged emergency medication being distributed is an opioid overdose reversal medication. The labeling requirements of RCW 69.41.050 and 18.64.246 do not apply to opioid overdose reversal medications dispensed, distributed, or delivered pursuant to a prescription, collaborative drug therapy agreement, standing order, or protocol issued in accordance with this section. The individual or entity that dispenses, distributes, or delivers an opioid overdose reversal medication as authorized by this section must ensure that directions for use are provided.

(3) A hospital may only allow this practice if: The director of the hospital pharmacy, in collaboration with appropriate hospital medical staff, develops policies and procedures regarding the following:

(a) Development of a list, preapproved by the pharmacy director, of the types of emergency medications to be prepackaged and distributed;

(b) Assurances that emergency medications to be prepackaged pursuant to this section are prepared by a pharmacist or under the supervision of a pharmacist licensed under chapter 18.64 RCW;

(c) Development of specific criteria under which emergency prepackaged medications may be prescribed and distributed consistent with the limitations of this section;

(d) Assurances that any practitioner authorized to prescribe prepackaged emergency medication or any nurse authorized to distribute prepackaged emergency medication is trained on the types of medications available and the circumstances under which they may be distributed;

(e) Procedures to require practitioners intending to prescribe prepackaged emergency medications pursuant to this section to maintain a valid prescription either in writing or electronically in the patient's records prior to a medication being distributed to a patient;

(f) Establishment of a limit of no more than a forty-eight hour supply of emergency medication as the maximum to be dispensed to a patient, except when community or hospital pharmacy services will not be available within forty-eight hours. In no case may the policy allow a supply exceeding ninety-six hours be dispensed;

(g) Assurances that prepackaged emergency medications will be kept in a secure location in or near the emergency department in such a manner as to preclude the necessity for entry into the pharmacy; and

(h) Assurances that nurses or practitioners will distribute prepackaged emergency medications to patients only after a practitioner has counseled the patient on the medication.

~~((3))~~ (4) The delivery of a single dose of medication for immediate administration to the patient is not subject to the requirements of this section.

~~((4))~~ (5) Nothing in this section restricts the authority of a practitioner in a hospital emergency department to distribute opioid overdose reversal medication under RCW 69.41.095.

(6) For purposes of this section:

(a) "Emergency medication" means any medication commonly prescribed to emergency ~~((room))~~ department patients, including those drugs, substances or immediate precursors listed in

schedules II through V of the uniform controlled substances act, chapter 69.50 RCW, as now or hereafter amended.

(b) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(c) "Practitioner" means any person duly authorized by law or rule in the state of Washington to prescribe drugs as defined in RCW 18.64.011~~((24))~~ (29).

(d) "Nurse" means a registered nurse as defined in RCW 18.79.020.

Sec. 19. RCW 70.168.090 and 2010 c 52 s 5 are each amended to read as follows:

(1)(a) By July 1991, the department shall establish a statewide data registry to collect and analyze data on the incidence, severity, and causes of trauma, including traumatic brain injury. The department shall collect additional data on traumatic brain injury should additional data requirements be enacted by the legislature. The registry shall be used to improve the availability and delivery of prehospital and hospital trauma care services. Specific data elements of the registry shall be defined by rule by the department. To the extent possible, the department shall coordinate data collection from hospitals for the trauma registry with the health care data system authorized in chapter 70.170 RCW. Every hospital, facility, or health care provider authorized to provide level I, II, III, IV, or V trauma care services, level I, II, or III pediatric trauma care services, level I, level I-pediatric, II, or III trauma-related rehabilitative services, and prehospital trauma-related services in the state shall furnish data to the registry. All other hospitals and prehospital providers shall furnish trauma data as required by the department by rule.

(b) The department may respond to requests for data and other information from the registry for special studies and analysis consistent with requirements for confidentiality of patient and quality assurance records. The department may require requestors to pay any or all of the reasonable costs associated with such requests that might be approved.

(2) The department must establish a statewide electronic emergency medical services data system and adopt rules requiring licensed ambulance and aid services to report and furnish patient encounter data to the electronic emergency medical services data system. The data system must be used to improve the availability and delivery of prehospital emergency medical services. The department must establish in rule the specific data elements of the data system and secure transport methods for data. The data collected must include data on suspected drug overdoses for the purposes of including, but not limited to, identifying individuals to engage substance use disorder peer professionals, patient navigators, outreach workers, and other professionals as appropriate to prevent further overdoses and to induct into treatment and provide other needed supports as may be available.

(3) In each emergency medical services and trauma care planning and service region, a regional emergency medical services and trauma care systems quality assurance program shall be established by those facilities authorized to provide levels I, II, and III trauma care services. The systems quality assurance program shall evaluate trauma care delivery, patient care outcomes, and compliance with the requirements of this chapter. The systems quality assurance program may also evaluate emergency cardiac and stroke care delivery. The emergency medical services medical program director and all other health care providers and facilities who provide trauma and emergency cardiac and stroke care services within the region shall be invited to participate in the regional emergency medical services and trauma care quality assurance program.

~~((3))~~ (4) Data elements related to the identification of individual patient's, provider's and facility's care outcomes shall

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be confidential, shall be exempt from RCW 42.56.030 through 42.56.570 and 42.17.350 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence.

~~((4))~~ (5) Patient care quality assurance proceedings, records, and reports developed pursuant to this section are confidential, exempt from chapter 42.56 RCW, and are not subject to discovery by subpoena or admissible as evidence~~((-))~~ in any civil action, except, after in camera review, pursuant to a court order which provides for the protection of sensitive information of interested parties including the department: (a) In actions arising out of the department's designation of a hospital or health care facility pursuant to RCW 70.168.070; (b) in actions arising out of the department's revocation or suspension of designation status of a hospital or health care facility under RCW 70.168.070; (c) in actions arising out of the department's licensing or verification of an ambulance or aid service pursuant to RCW 18.73.030 or 70.168.080; (d) in actions arising out of the certification of a medical program director pursuant to RCW 18.71.212; or ~~((+))~~ (e) in actions arising out of the restriction or revocation of the clinical or staff privileges of a health care provider as defined in RCW 7.70.020 (1) and (2), subject to any further restrictions on disclosure in RCW 4.24.250 that may apply. Information that identifies individual patients shall not be publicly disclosed without the patient's consent.

Sec. 20. RCW 70.225.010 and 2007 c 259 s 42 are each amended to read as follows:

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

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

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

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a practitioner or pharmacy that delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

(5) "Prescriber" means any person authorized to order or prescribe legend drugs or schedule II, III, IV, or V controlled substances to the ultimate user.

(6) "Requestor" means any person or entity requesting, accessing, or receiving information from the prescription monitoring program under RCW 70.225.040 (3), (4), or (5).

Sec. 21. RCW 70.225.020 and 2013 c 36 s 2 and 2013 C 19 S 126 are each reenacted and amended to read as follows:

(1) The department shall establish and maintain a prescription monitoring program to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the pharmacy quality assurance commission as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. The program shall be designed to improve health care quality and effectiveness by reducing abuse of controlled substances, reducing duplicative prescribing and overprescribing of controlled substances, and improving controlled substance prescribing practices with the intent of eventually establishing an electronic database available in real time to dispensers and prescribers of controlled substances. As much as possible, the department should establish a common database with other states. This program's management and operations shall be funded

entirely from the funds in the account established under RCW 74.09.215. Nothing in this chapter prohibits voluntary contributions from private individuals and business entities as defined under Title 23, 23B, 24, or 25 RCW to assist in funding the prescription monitoring program.

(2) Except as provided in subsection (4) of this section, each dispenser shall submit to the department by electronic means information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than one day use should be reported. The information submitted for each prescription shall include, but not be limited to:

- (a) Patient identifier;
- (b) Drug dispensed;
- (c) Date of dispensing;
- (d) Quantity dispensed;
- (e) Prescriber; and
- (f) Dispenser.

(3)(a) Until January 1, 2021, each dispenser shall submit the information in accordance with transmission methods established by the department, not later than one business day from the date of dispensing or at the interval required by the department in rule, whichever is sooner.

(b) Beginning January 1, 2021, each dispenser must submit the information as soon as readily available, but no later than one business day from the date of distributing, and in accordance with transmission methods established by the department.

(4) The data submission requirements of subsections (1) through (3) of this section do not apply to:

(a) Medications provided to patients receiving inpatient services provided at hospitals licensed under chapter 70.41 RCW; or patients of such hospitals receiving services at the clinics, day surgery areas, or other settings within the hospital's license where the medications are administered in single doses;

(b) Pharmacies operated by the department of corrections for the purpose of providing medications to offenders in department of corrections institutions who are receiving pharmaceutical services from a department of corrections pharmacy, except that the department of corrections must submit data related to each offender's current prescriptions for controlled substances upon the offender's release from a department of corrections institution; or

(c) Veterinarians licensed under chapter 18.92 RCW. The department, in collaboration with the veterinary board of governors, shall establish alternative data reporting requirements for veterinarians that allow veterinarians to report:

- (i) By either electronic or nonelectronic methods;
- (ii) Only those data elements that are relevant to veterinary practices and necessary to accomplish the public protection goals of this chapter; and
- (iii) No more frequently than once every three months and no less frequently than once every six months.

(5) The department shall continue to seek federal grants to support the activities described in chapter 259, Laws of 2007. The department may not require a practitioner or a pharmacist to pay a fee or tax specifically dedicated to the operation and management of the system.

NEW SECTION. Sec. 22. A new section is added to chapter 70.225 RCW to read as follows:

(1) In order to expand integration of prescription monitoring program data into certified electronic health record technologies, the department must collaborate with health professional and facility associations, vendors, and others to:

- (a) Conduct an assessment of the current status of integration;
- (b) Provide recommendations for improving integration among small and rural health care facilities, offices, and clinics;

(c) Comply with federal prescription drug monitoring program qualification requirements under 42 U.S.C. Sec. 1396w-3a to facilitate eligibility for federal grants and establish a program to provide financial assistance to small and rural health care facilities and clinics with integration as funding is available, especially under federal programs;

(d) Conduct security assessments of other commonly used platforms for integrating prescription monitoring program data with certified electronic health records for possible use in Washington; and

(e) Assess improvements to the prescription monitoring program to establish a modality to identify patients that do not wish to receive opioid medications in a manner that allows an ordering or prescribing physician to be able to use the prescription monitoring program to identify patients who do not wish to receive opioids or patients that have had an opioid-related overdose.

(2)(a) By January 1, 2021, a facility, entity, office, or provider group identified in RCW 70.225.040 with ten or more prescribers that is not a critical access hospital as defined in RCW 74.60.010 that uses a federally certified electronic health records system must demonstrate that the facility's or entity's federally certified electronic health record is able to fully integrate data to and from the prescription monitoring program using a mechanism approved by the department under subsection (3) of this section.

(b) The department must develop a waiver process for the requirements of (a) of this subsection for facilities, entities, offices, or provider groups due to economic hardship, technological limitations that are not reasonably in the control of the facility, entity, office, or provider group, or other exceptional circumstance demonstrated by the facility, entity, office, or provider group. The waiver must be limited to one year or less, or for any other specified time frame set by the department.

(3) Electronic health record system vendors who are fully integrated with the prescription monitoring program in Washington state may not charge an ongoing fee or a fee based on the number of transactions or providers. Total costs of connection must not impose unreasonable costs on any facility, entity, office, or provider group using the electronic health record and must be consistent with current industry pricing structures. For the purposes of this subsection, "fully integrated" means that the electronic health records system must:

(a) Send information to the prescription monitoring program without provider intervention using a mechanism approved by the department;

(b) Make current information from the prescription monitoring program available to a provider within the workflow of the electronic health records system; and

(c) Make information available in a way that is unlikely to interfere with, prevent, or materially discourage access, exchange, or use of electronic health information, in accordance with the information blocking provisions of the federal twenty-first century cures act, P.L. 114-255.

Sec. 23. RCW 70.225.040 and 2017 c 297 s 9 are each amended to read as follows:

(1) ~~((Prescription))~~ All information submitted to the ((department must be)) prescription monitoring program is confidential, ((in compliance with chapter 70.02 RCW and)) exempt from public inspection, copying, and disclosure under chapter 42.56 RCW, not subject to subpoena or discovery in any civil action, and protected under federal health care information privacy requirements ((and not subject to disclosure)), except as provided in subsections (3)((-4), and (-5)) through (6) of this section. Such confidentiality and exemption from disclosure continues whenever information from the prescription monitoring

program is provided to a requestor under subsection (3), (4), (5), or (6) of this section except when used in proceedings specifically authorized in subsection (3), (4), or (5) of this section.

(2) The department must maintain procedures to ensure that the privacy and confidentiality of ~~((patients and patient))~~ all information collected, recorded, transmitted, and maintained including, but not limited to, the prescriber, requestor, dispenser, patient, and persons who received prescriptions from dispensers, is not disclosed to persons except as in subsections (3)~~((-4), and (-5))~~ through (6) of this section.

(3) The department may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances or legend drugs, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) A health professional licensing, certification, or regulatory agency or entity in this or another jurisdiction. Consistent with current practice, the data provided may be used in legal proceedings concerning the license;

(d) Appropriate law enforcement or prosecutorial officials, including local, state, and federal officials and officials of federally recognized tribes, who are engaged in a bona fide specific investigation involving a designated person;

(e) ~~((Authorized practitioners of the department of social and health services and the health care authority regarding medicaid program recipients;~~

~~((#))~~ The director or the director's designee within the health care authority regarding medicaid ((clients for the purposes of quality improvement, patient safety, and care coordination. The information may not be used for contracting or value-based purchasing decisions)) recipients and members of the health care authority self-funded or self-insured health plans;

~~((#))~~ (f) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

~~((#))~~ (g) The director or the director's designee within the department of corrections regarding offenders committed to the department of corrections;

~~((#))~~ (h) Other entities under grand jury subpoena or court order;

~~((#))~~ (i) Personnel of the department for purposes of:

(i) Assessing prescribing and treatment practices((- including controlled substances related to mortality and morbidity)) and morbidity and mortality related to use of controlled substances and developing and implementing initiatives to protect the public health including, but not limited to, initiatives to address opioid use disorder;

(ii) Providing quality improvement feedback to ((providers)) prescribers, including comparison of their respective data to aggregate data for ((providers)) prescribers with the same type of license and same specialty; and

(iii) Administration and enforcement of this chapter or chapter 69.50 RCW;

~~((#))~~ (j) Personnel of a test site that meet the standards under RCW 70.225.070 pursuant to an agreement between the test site and a person identified in (a) of this subsection to provide assistance in determining which medications are being used by an identified patient who is under the care of that person;

~~((#))~~ (k) A health care facility or entity for the purpose of providing medical or pharmaceutical care to the patients of the facility or entity, or for quality improvement purposes if((-

~~((#))~~ the facility or entity is licensed by the department or is licensed or certified under chapter 71.24, 71.34, or 71.05 RCW or is an entity deemed for purposes of chapter 71.24 RCW to meet

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state minimum standards as a result of accreditation by a recognized behavioral health accrediting body, or is operated by the federal government or a federally recognized Indian tribe; ~~(and~~

~~(ii) The facility or entity is a trading partner with the state's health information exchange;~~

~~(m))~~ (l) A health care provider group of five or more (providers) prescribers or dispensers for purposes of providing medical or pharmaceutical care to the patients of the provider group, or for quality improvement purposes if

(+)) all the (providers) prescribers or dispensers in the provider group are licensed by the department or the provider group is operated by the federal government or a federally recognized Indian tribe; (and

~~(ii) The provider group is a trading partner with the state's health information exchange;~~

~~(m))~~ (m) The local health officer of a local health jurisdiction for the purposes of patient follow-up and care coordination following a controlled substance overdose event. For the purposes of this subsection "local health officer" has the same meaning as in RCW 70.05.010; and

~~(o))~~ (n) The coordinated care electronic tracking program developed in response to section 213, chapter 7, Laws of 2012 2nd sp. sess., commonly referred to as the seven best practices in emergency medicine, for the purposes of providing:

(i) Prescription monitoring program data to emergency department personnel when the patient registers in the emergency department; and

(ii) Notice to local health officers who have made opioid-related overdose a notifiable condition under RCW 70.05.070 as authorized by rules adopted under RCW 43.20.050, providers, appropriate care coordination staff, and prescribers listed in the patient's prescription monitoring program record that the patient has experienced a controlled substance overdose event. The department shall determine the content and format of the notice in consultation with the Washington state hospital association, Washington state medical association, and Washington state health care authority, and the notice may be modified as necessary to reflect current needs and best practices.

(4) The department shall, on at least a quarterly basis, and pursuant to a schedule determined by the department, provide a facility or entity identified under subsection (3)~~((h))~~ (k) of this section or a provider group identified under subsection (3)~~((m))~~ (l) of this section with facility or entity and individual prescriber information if the facility, entity, or provider group:

(a) Uses the information only for internal quality improvement and individual prescriber quality improvement feedback purposes and does not use the information as the sole basis for any medical staff sanction or adverse employment action; and

(b) Provides to the department a standardized list of current prescribers of the facility, entity, or provider group. The specific facility, entity, or provider group information provided pursuant to this subsection and the requirements under this subsection must be determined by the department in consultation with the Washington state hospital association, Washington state medical association, and Washington state health care authority, and may be modified as necessary to reflect current needs and best practices.

(5)(a) The department may publish or provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used directly or indirectly to identify individual patients, requestors, dispensers, prescribers, and persons who received prescriptions from dispensers. Direct and indirect patient identifiers may be provided for research that has been approved by the Washington state

institutional review board and by the department through a data-sharing agreement.

(b)(i) The department may provide dispenser and prescriber data and data that includes indirect patient identifiers to the Washington state hospital association for use solely in connection with its coordinated quality improvement program maintained under RCW 43.70.510 after entering into a data use agreement as specified in RCW 43.70.052(8) with the association. The department may provide dispenser and prescriber data and data that includes indirect patient identifiers to the Washington state medical association for use solely in connection with its coordinated quality improvement program maintained under RCW 43.70.510 after entering into a data use agreement with the association.

(ii) The department may provide data including direct and indirect patient identifiers to the department of social and health services office of research and data analysis, the department of labor and industries, and the health care authority for research that has been approved by the Washington state institutional review board and, with a data-sharing agreement approved by the department, for public health purposes to improve the prevention or treatment of substance use disorders.

(iii) The department may provide a prescriber feedback report to the largest health professional association representing each of the prescribing professions. The health professional associations must distribute the feedback report to prescribers engaged in the professions represented by the associations for quality improvement purposes, so long as the reports contain no direct patient identifiers that could be used to identify individual patients, dispensers, and persons who received prescriptions from dispensers, and the association enters into a written data-sharing agreement with the department. However, reports may include indirect patient identifiers as agreed to by the department and the association in a written data-sharing agreement.

(c) For the purposes of this subsection

(i) "Indirect patient identifiers" means data that may include: Hospital or provider identifiers, a five-digit zip code, county, state, and country of resident; dates that include month and year; age in years; and race and ethnicity; but does not include the patient's first name; middle name; last name; social security number; control or medical record number; zip code plus four digits; dates that include day, month, and year; or admission and discharge date in combination; and

(ii) "Prescribing professions" include:

(A) Allopathic physicians and physician assistants;

(B) Osteopathic physicians and physician assistants;

(C) Podiatric physicians;

(D) Dentists; and

(E) Advanced registered nurse practitioners.

(6) The department may enter into agreements to exchange prescription monitoring program data with established prescription monitoring programs in other jurisdictions. Under these agreements, the department may share prescription monitoring system data containing direct and indirect patient identifiers with other jurisdictions through a clearinghouse or prescription monitoring program data exchange that meets federal health care information privacy requirements. Data the department receives from other jurisdictions must be retained, used, protected, and destroyed as provided by the agreements to the extent consistent with the laws in this state.

(7) Persons authorized in subsections (3)~~((4), and (5))~~ through (6) of this section to receive data in the prescription monitoring program from the department, acting in good faith, are immune from any civil, criminal, disciplinary, or administrative

liability that might otherwise be incurred or imposed for acting under this chapter.

Sec. 24. RCW 71.24.011 and 1982 c 204 s 1 are each amended to read as follows:

This chapter may be known and cited as the community ~~((mental))~~ behavioral health services act.

NEW SECTION. Sec. 25. A new section is added to chapter 71.24 RCW to read as follows:

(1) Recognizing that treatment strategies and modalities for the treatment of individuals with opioid use disorder and their newborns continue to evolve, and that improved health outcomes are seen when birth parents and their infants are allowed to room together, the authority must provide recommendations to the office of financial management by October 1, 2019, to better support the care of individuals who have recently delivered and their newborns.

(2) These recommendations must support:

(a) Successful transition from the early postpartum and newborn period for the birth parent and infant to the next level of care;

(b) Reducing the risk of parental infant separation; and

(c) Increasing the chance of uninterrupted recovery of the parent and foster the development of positive parenting practices.

(3) The authority's recommendations must include:

(a) How these interventions could be supported in hospitals, birthing centers, or other appropriate sites of care and descriptions as to current barriers in providing these interventions;

(b) Estimates of the costs needed to support this enhanced set of services; and

(c) Mechanisms for funding the services.

Sec. 26. RCW 71.24.560 and 2017 c 297 s 11 are each amended to read as follows:

(1) All approved opioid treatment programs that provide services to ~~((women))~~ individuals who are pregnant are required to disseminate up-to-date and accurate health education information to all their pregnant ~~((clients))~~ individuals concerning the ~~((possible addiction and health risks that their treatment may have on their baby))~~ effects opioid use and opioid use disorder medication may have on their baby, including the development of dependence and subsequent withdrawal. All pregnant ~~((clients))~~ individuals must also be advised of the risks to both themselves and their ~~((baby))~~ babies associated with ~~((not remaining on the))~~ discontinuing an opioid treatment program. The information must be provided to these ~~((clients))~~ individuals both verbally and in writing. The health education information provided to the pregnant ~~((clients))~~ individuals must include referral options for ~~((the substance-exposed baby))~~ a baby who has been exposed to opioids in utero.

(2) The department shall adopt rules that require all opioid treatment programs to educate all pregnant ~~((women))~~ individuals in their program on the benefits and risks of medication-assisted treatment to ~~((their))~~ a developing fetus before they are ~~((provided))~~ prescribed these medications, as part of their treatment. The department shall also adopt rules requiring all opioid treatment programs to educate individuals who become pregnant about the risks to both the expecting parent and the fetus of not treating opioid use disorder. The department shall meet the requirements under this subsection within the appropriations provided for opioid treatment programs. The department, working with treatment providers and medical experts, shall develop and disseminate the educational materials to all certified opioid treatment programs.

(3) For pregnant individuals who participate in medicaid, the authority, through its managed care organizations, must ensure

that pregnant individuals receive outreach related to opioid use disorder when identified as a person at risk.

Sec. 27. RCW 71.24.580 and 2018 c 205 s 2 and 2018 c 201 s 4044 are each reenacted and amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. Amounts provided in this subsection must be used for treatment and recovery support services for criminally involved offenders and authorization of these services shall not be subject to determinations of medical necessity. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the criminal justice treatment account to the state general fund. It is the intent of the legislature to continue in the 2019-2021 biennium the policy of transferring to the state general fund such amounts as reflect the excess fund balance of the account. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance use disorder treatment program, including but not limited to the recovery support and other programmatic elements outlined in RCW 2.30.030 authorizing therapeutic courts; and

(b) "Treatment support" includes transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the authority from the criminal justice treatment account shall be distributed as specified in this subsection. The authority may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the authority from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The authority, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance use disorder treatment providers, and any other person

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deemed by the authority to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the authority from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The authority shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, and substance use disorder treatment providers. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The submitted plan should incorporate current evidence-based practices in substance use disorder treatment. The funds shall be used solely to provide approved alcohol and substance ~~((abuse))~~ use disorder treatment pursuant to RCW 71.24.560 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) If a region or county uses criminal justice treatment account funds to support a therapeutic court, the therapeutic court must allow the use of all medications approved by the federal food and drug administration for the treatment of opioid use disorder as deemed medically appropriate for a participant by a medical professional. If appropriate medication-assisted treatment resources are not available or accessible within the jurisdiction, the health care authority's designee for assistance must assist the court with acquiring the resource.

(10) Counties must meet the criteria established in RCW 2.30.030(3).

Sec. 28. RCW 71.24.585 and 2017 c 297 s 12 are each amended to read as follows:

~~((The state of Washington declares that there is no fundamental right to medication-assisted treatment for opioid use disorder.))~~

(1)(a) The state of Washington ~~((further))~~ declares that ~~((while medications used in the treatment of opioid use disorder are addictive substances, that they nevertheless have several legal, important, and justified uses and that one of their appropriate and legal uses is, in conjunction with other required therapeutic~~

~~procedures, in the treatment of persons with opioid use disorder. The state of Washington recognizes as evidence based for the management of opioid use disorder the medications approved by the federal food and drug administration for the treatment of opioid use disorder. Medication-assisted treatment should only be used for participants who are deemed appropriate to need this level of intervention. Providers must inform patients of all treatment options available. The provider and the patient shall consider alternative treatment options, like abstinence, when developing the treatment plan. If medications are prescribed, follow up must be included in the treatment plan in order to work towards the goal of abstinence.))~~ substance use disorders are medical conditions. Substance use disorders should be treated in a manner similar to other medical conditions by using interventions that are supported by evidence, including medications approved by the federal food and drug administration for the treatment of opioid use disorder. It is also recognized that many individuals have multiple substance use disorders, as well as histories of trauma, developmental disabilities, or mental health conditions. As such, all individuals experiencing opioid use disorder should be offered evidence-supported treatments to include federal food and drug administration approved medications for the treatment of opioid use disorders and behavioral counseling and social supports to address them. For behavioral health agencies, an effective plan of treatment for most persons with opioid use disorder integrates access to medications and psychosocial counseling and should be consistent with the American society of addiction medicine patient placement criteria. Providers must inform patients with opioid use disorder or substance use disorder of options to access federal food and drug administration approved medications for the treatment of opioid use disorder or substance use disorder. Because some such medications are controlled substances in chapter 69.50 RCW, the state of Washington maintains the legal obligation and right to regulate the ~~((clinical))~~ uses of these medications in the treatment of opioid use disorder.

~~((Further))~~ (b) The authority must work with other state agencies and stakeholders to develop value-based payment strategies to better support the ongoing care of persons with opioid and other substance use disorders.

(c) The department of corrections shall develop policies to prioritize services based on available grant funding and funds appropriated specifically for opioid use disorder treatment.

(2) The authority must promote the use of medication therapies and other evidence-based strategies to address the opioid epidemic in Washington state. Additionally, by January 1, 2020, the authority must prioritize state resources for the provision of treatment and recovery support services to inpatient and outpatient treatment settings that allow patients to start or maintain their use of medications for opioid use disorder while engaging in services.

(3) The state declares that the main goals of ~~((opiate substitution treatment is total abstinence from substance use for the individuals who participate in the treatment program, but recognizes the additional goals of reduced morbidity, and restoration of the ability to lead a productive and fulfilling life. The state recognizes that a small percentage of persons who participate in opioid treatment programs require treatment for an extended period of time. Opioid treatment programs shall provide a comprehensive transition program to eliminate substance use, including opioid use of program participants))~~ treatment for persons with opioid use disorder are the cessation of unprescribed opioid use, reduced morbidity, and restoration of the ability to lead a productive and fulfilling life.

(4) To achieve the goals in subsection (3) of this section, to promote public health and safety, and to promote the efficient and economic use of funding for the medicaid program under Title XIX of the social security act, the authority may seek, receive, and expend alternative sources of funding to support all aspects of the state's response to the opioid crisis.

(5) The authority must partner with the department of social and health services, the department of corrections, the department of health, the department of children, youth, and families, and any other agencies or entities the authority deems appropriate to develop a statewide approach to leveraging medicaid funding to treat opioid use disorder and provide emergency overdose treatment. Such alternative sources of funding may include:

(a) Seeking a section 1115 demonstration waiver from the federal centers for medicare and medicaid services to fund opioid treatment medications for persons eligible for medicaid at or during the time of incarceration and juvenile detention facilities; and

(b) Soliciting and receiving private funds, grants, and donations from any willing person or entity.

(6)(a) The authority shall work with the department of health to promote coordination between medication-assisted treatment prescribers, federally accredited opioid treatment programs, substance use disorder treatment facilities, and state-certified substance use disorder treatment agencies to:

(i) Increase patient choice in receiving medication and counseling;

(ii) Strengthen relationships between opioid use disorder providers;

(iii) Acknowledge and address the challenges presented for individuals needing treatment for multiple substance use disorders simultaneously; and

(iv) Study and review effective methods to identify and reach out to individuals with opioid use disorder who are at high risk of overdose and not involved in traditional systems of care, such as homeless individuals using syringe service programs, and connect such individuals to appropriate treatment.

(b) The authority must work with stakeholders to develop a set of recommendations to the governor and the legislature that:

(i) Propose, in addition to those required by federal law, a standard set of services needed to support the complex treatment needs of persons with opioid use disorder treated in opioid treatment programs;

(ii) Outline the components of and strategies needed to develop opioid treatment program centers of excellence that provide fully integrated care for persons with opioid use disorder;

(iii) Estimate the costs needed to support these models and recommendations for funding strategies that must be included in the report;

(iv) Outline strategies to increase the number of waived health care providers approved for prescribing buprenorphine by the substance abuse and mental health services administration; and

(v) Outline strategies to lower the cost of federal food and drug administration approved products for the treatment of opioid use disorder.

(7) State agencies shall review and promote positive outcomes associated with the accountable communities of health funded opioid projects and local law enforcement and human services opioid collaborations as set forth in the Washington state interagency opioid working plan.

(8) The authority must partner with the department and other state agencies to replicate effective approaches for linking individuals who have had a nonfatal overdose with treatment opportunities, with a goal to connect certified peer counselors with individuals who have had a nonfatal overdose.

(9) State agencies must work together to increase outreach and education about opioid overdoses to non-English-speaking communities by developing a plan to conduct outreach and education to non-English-speaking communities. The department must submit a report on the outreach and education plan with recommendations for implementation to the appropriate legislative committees by July 1, 2020.

NEW SECTION. Sec. 29. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to funds appropriated by the legislature, the authority shall implement a pilot project for law enforcement assisted diversion which shall adhere to law enforcement assisted diversion core principles recognized by the law enforcement assisted diversion national support bureau, the efficacy of which have been demonstrated in peer-reviewed research studies.

(2) Under the pilot project, the authority must partner with the law enforcement assisted diversion national support bureau to award a contract, subject to appropriation, for two or more geographic areas in the state of Washington for law enforcement assisted diversion. Cities, counties, and tribes may compete for participation in a pilot project.

(3) The pilot projects must provide for comprehensive technical assistance from law enforcement assisted diversion implementation experts to develop and implement a law enforcement assisted diversion program in the pilot project's geographic areas in a way that ensures fidelity to the research-based law enforcement assisted diversion model.

(4) The key elements of a law enforcement assisted diversion pilot project must include:

(a) Long-term case management for individuals with substance use disorders;

(b) Facilitation and coordination with community resources focusing on overdose prevention;

(c) Facilitation and coordination with community resources focused on the prevention of infectious disease transmission;

(d) Facilitation and coordination with community resources providing physical and behavioral health services;

(e) Facilitation and coordination with community resources providing medications for the treatment of substance use disorders;

(f) Facilitation and coordination with community resources focusing on housing, employment, and public assistance;

(g) Twenty-four hours per day and seven days per week response to law enforcement for arrest diversions; and

(h) Prosecutorial support for diversion services.

Sec. 30. RCW 71.24.590 and 2018 c 201 s 4045 are each amended to read as follows:

(1) When making a decision on an application for licensing or certification of a program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional use permits with reasonable conditions for the siting of programs. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or

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certify only applicants whose programs meet the necessary treatment needs of that population;

(e) Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

(f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

(g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature in RCW 71.24.585. The department shall prioritize licensing or certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes;

(h) Hold one public hearing in the community in which the facility is proposed to be located. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

(2) A county may impose a maximum capacity for a program of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county.

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(4) Opioid treatment programs may order, possess, dispense, and administer medications approved by the United States food and drug administration for the treatment of opioid use disorder, alcohol use disorder, tobacco use disorder, and reversal of opioid overdose. For an opioid treatment program to order, possess, and dispense any other legend drug, including controlled substances, the opioid treatment program must obtain additional licensure as required by the department, except for patient-owned medications.

(5) Opioid treatment programs may accept, possess, and administer patient-owned medications.

(6) Registered nurses and licensed practical nurses may dispense up to a thirty-one day supply of medications approved by the United States food and drug administration for the treatment of opioid use disorder to patients of the opioid treatment program, under an order or prescription and in compliance with 42 C.F.R. Sec. 8.12.

(7) For the purpose of this chapter, "opioid treatment program" means a program that:

(a) ~~(Dispensing a)~~ Engages in the treatment of opioid use disorder with medications approved by the ((federal)) United States food and drug administration for the treatment of opioid use disorder and ((dispensing medication for the)) reversal of opioid overdose; and

(b) ~~(Providing)~~ Provides a comprehensive range of medical and rehabilitative services.

Sec. 31. RCW 71.24.595 and 2018 c 201 s 4046 are each amended to read as follows:

(1) To achieve more medication options, the authority must work with the department and the authority's medicaid managed care organizations, to eliminate barriers and promote access to effective medications known to address opioid use disorders at state-certified opioid treatment programs. Medications include, but are not limited to: Methadone, buprenorphine, and naltrexone.

The authority must encourage the distribution of naloxone to patients who are at risk of an opioid overdose.

(2) The department, in consultation with opioid treatment program service providers and counties and cities, shall establish statewide treatment standards for licensed or certified opioid treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

~~((2))~~ (3) The department, in consultation with opioid treatment programs and counties, shall establish statewide operating standards for certified opioid treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified or licensed opioid treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the opioid treatment programs upon the business and residential neighborhoods in which the program is located.

~~((3))~~ (4) The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter. Opioid treatment programs are subject to the oversight required for other substance use disorder treatment programs, as described in this chapter.

NEW SECTION. Sec. 32. A new section is added to chapter 71.24 RCW to read as follows:

By October 1, 2019, the authority must work with the department, the accountable communities of health, and community stakeholders to develop a plan for the coordinated purchasing and distribution of opioid overdose reversal medication across the state of Washington. The plan must be developed in consultation with the University of Washington's alcohol and drug abuse institute and community agencies participating in the federal demonstration grant titled Washington state project to prevent prescription drug or opioid overdose.

NEW SECTION. Sec. 33. A new section is added to chapter 71.24 RCW to read as follows:

(1) The department, in coordination with the authority, must develop a strategy to rapidly deploy a response team to a local community identified as having a high number of fentanyl-related or other drug overdoses by the local emergency management system, hospital emergency department, local health jurisdiction, law enforcement agency, or surveillance data. The response team must provide technical assistance and other support to the local health jurisdiction, health care clinics, hospital emergency departments, substance use disorder treatment providers, and other community-based organizations, and are expected to increase the local capacity to provide medication-assisted treatment and overdose education.

(2) The department and the authority must reduce barriers and promote medication treatment therapies for opioid use disorder in emergency departments and same-day referrals to opioid treatment programs, substance use disorder treatment facilities, and community-based medication treatment prescribers for individuals experiencing an overdose.

NEW SECTION. Sec. 34. A new section is added to chapter 71.24 RCW to read as follows:

(1) Subject to funds appropriated by the legislature, or approval of a section 1115 demonstration waiver from the federal centers for medicare and medicaid services, to fund opioid treatment

medications for persons eligible for medicaid at or during the time of incarceration and juvenile detention facilities, the authority shall establish a methodology for distributing funds to city and county jails to provide medication for the treatment of opioid use disorder to individuals in the custody of the facility in any status. The authority must prioritize funding for the services required in (a) of this subsection. To the extent that funding is provided, city and county jails must:

(a) Provide medication for the treatment of opioid use disorder to individuals in the custody of the facility, in any status, who were receiving medication for the treatment of opioid use disorder through a legally authorized medical program or by a valid prescription immediately before incarceration; and

(b) Provide medication for the treatment of opioid use disorder to incarcerated individuals not less than thirty days before release when treatment is determined to be medically appropriate by a health care practitioner.

(2) City and county jails must make reasonable efforts to directly connect incarcerated individuals receiving medication for the treatment of opioid use disorder to an appropriate provider or treatment site in the geographic region in which the individual will reside before release. If a connection is not possible, the facility must document its efforts in the individual's record.

NEW SECTION. Sec. 35. A new section is added to chapter 74.09 RCW to read as follows:

(1) In order to support prevention of potential opioid use disorders, the authority must develop and recommend for coverage nonpharmacologic treatments for acute, subacute, and chronic noncancer pain and must report to the governor and the appropriate committees of the legislature, including any requests for funding necessary to implement the recommendations under this section. The recommendations must contain the following elements:

(a) A list of which nonpharmacologic treatments will be covered;

(b) Recommendations as to the duration, amount, and type of treatment eligible for coverage;

(c) Guidance on the type of providers eligible to provide these treatments; and

(d) Recommendations regarding the need to add any provider types to the list of currently eligible medicaid provider types.

(2) The authority must ensure only treatments that are evidence-based for the treatment of the specific acute, subacute, and chronic pain conditions will be eligible for coverage recommendations.

NEW SECTION. Sec. 36. A new section is added to chapter 41.05 RCW to read as follows:

A health plan offered to employees, school employees, and their covered dependents under this chapter issued or renewed on or after January 1, 2020, shall provide coverage without prior authorization of at least one federal food and drug administration approved product for the treatment of opioid use disorder in the drug classes opioid agonists, opioid antagonists, and opioid partial agonists.

NEW SECTION. Sec. 37. A new section is added to chapter 48.43 RCW to read as follows:

For health plans issued or renewed on or after January 1, 2020, a health carrier shall provide coverage without prior authorization of at least one federal food and drug administration approved product for the treatment of opioid use disorder in the drug classes opioid agonists, opioid antagonists, and opioid partial agonists.

NEW SECTION. Sec. 38. A new section is added to chapter 74.09 RCW to read as follows:

Upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed health care system shall provide coverage without prior authorization of at least one federal food and drug administration approved product for the treatment of opioid use disorder in the drug classes opioid agonists, opioid antagonists, and opioid partial agonists.

NEW SECTION. Sec. 39. A new section is added to chapter 28A.210 RCW to read as follows:

(1) For the purposes of this section:

(a) "High school" means a school enrolling students in any of grades nine through twelve;

(b) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095;

(c) "Opioid-related overdose" has the meaning provided in RCW 69.41.095; and

(d) "Standing order" has the meaning provided in RCW 69.41.095.

(2)(a) For the purpose of assisting a person at risk of experiencing an opioid-related overdose, a high school may obtain and maintain opioid overdose reversal medication through a standing order prescribed and dispensed in accordance with RCW 69.41.095.

(b) Opioid overdose reversal medication may be obtained from donation sources, but must be maintained and administered in a manner consistent with a standing order issued in accordance with RCW 69.41.095.

(c) A school district with two thousand or more students must obtain and maintain at least one set of opioid overdose reversal medication doses in each of its high schools as provided in (a) and (b) of this subsection. A school district that demonstrates a good faith effort to obtain the opioid overdose reversal medication through a donation source, but is unable to do so, is exempt from the requirement in this subsection (2)(c).

(3)(a) The following personnel may distribute or administer the school-owned opioid overdose reversal medication to respond to symptoms of an opioid-related overdose pursuant to a prescription or a standing order issued in accordance with RCW 69.41.095: (i) A school nurse; (ii) a health care professional or trained staff person located at a health care clinic on public school property or under contract with the school district; or (iii) designated trained school personnel.

(b) Opioid overdose reversal medication may be used on school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from school property. A school nurse or designated trained school personnel may carry an appropriate supply of school-owned opioid overdose reversal medication on field trips or sanctioned excursions.

(4) Training for school personnel who have been designated to distribute or administer opioid overdose reversal medication under this section must meet the requirements for training described in section 40 of this act and any rules or guidelines for such training adopted by the office of the superintendent of public instruction. Each high school is encouraged to designate and train at least one school personnel to distribute and administer opioid overdose reversal medication if the high school does not have a full-time school nurse or trained health care clinic staff.

(5)(a) The liability of a person or entity who complies with this section and RCW 69.41.095 is limited as described in RCW 69.41.095.

(b) If a student is injured or harmed due to the administration of opioid overdose reversal medication that a practitioner, as defined in RCW 69.41.095, has prescribed and a pharmacist has dispensed to a school under this section, the practitioner and

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pharmacist may not be held responsible for the injury unless he or she acted with conscious disregard for safety.

NEW SECTION. **Sec. 40.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) For the purposes of this section:

(a) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095; and

(b) "Opioid-related overdose" has the meaning provided in RCW 69.41.095.

(2)(a) To prevent opioid-related overdoses and respond to medical emergencies resulting from overdoses, by January 1, 2020, the office of the superintendent of public instruction, in consultation with the department of health and the Washington state school directors' association, shall develop opioid-related overdose policy guidelines and training requirements for public schools and school districts.

(b)(i) The opioid-related overdose policy guidelines and training requirements must include information about: The identification of opioid-related overdose symptoms; how to obtain and maintain opioid overdose reversal medication on school property issued through a standing order in accordance with section 39 of this act; how to obtain opioid overdose reversal medication through donation sources; the distribution and administration of opioid overdose reversal medication by designated trained school personnel; free online training resources that meet the training requirements in this section; and sample standing orders for opioid overdose reversal medication.

(ii) The opioid-related overdose policy guidelines may: Include recommendations for the storage and labeling of opioid overdose reversal medications that are based on input from relevant health agencies or experts; and allow for opioid-related overdose reversal medications to be obtained, maintained, distributed, and administered by health care professionals and trained staff located at a health care clinic on public school property or under contract with the school district.

(c) In addition to being offered by the school, training on the distribution or administration of opioid overdose reversal medication that meets the requirements of this subsection (2) may be offered by nonprofit organizations, higher education institutions, and local public health organizations.

(3)(a) By March 1, 2020, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction and the department of health to either update existing model policy or develop a new model policy that meets the requirements of subsection (2) of this section.

(b) Beginning with the 2020-21 school year, the following school districts must adopt an opioid-related overdose policy: (a) School districts with a school that obtains, maintains, distributes, or administers opioid overdose reversal medication under section 39 of this act; and (b) school districts with two thousand or more students.

(c) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedure on each agency's web site at no cost to school districts.

(4) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall develop and administer a grant program to provide funding to public schools with any of grades nine through twelve and public higher education institutions to purchase opioid overdose reversal medication and train personnel on the administration of opioid overdose reversal medication to respond to symptoms of an opioid-related overdose. The office must publish on its web site a list of annual grant recipients, including award amounts.

Sec. 41. RCW 28A.210.260 and 2017 c 186 s 2 are each amended to read as follows:

(1) Public school districts and private schools which conduct any of grades kindergarten through the twelfth grade may provide for the administration of oral medication, topical medication, eye drops, ear drops, or nasal spray, of any nature to students who are in the custody of the school district or school at the time of administration, but are not required to do so by this section, subject to the following conditions:

~~((4))~~ (a) The board of directors of the public school district or the governing board of the private school or, if none, the chief administrator of the private school shall adopt policies which address the designation of employees who may administer oral medications, topical medications, eye drops, ear drops, or nasal spray to students, the acquisition of parent requests and instructions, and the acquisition of requests from licensed health professionals prescribing within the scope of their prescriptive authority and instructions regarding students who require medication for more than fifteen consecutive school days, the identification of the medication to be administered, the means of safekeeping medications with special attention given to the safeguarding of legend drugs as defined in chapter 69.41 RCW, and the means of maintaining a record of the administration of such medication;

~~((2))~~ (b) The board of directors shall seek advice from one or more licensed physicians or nurses in the course of developing the foregoing policies;

~~((3))~~ (c) The public school district or private school is in receipt of a written, current and unexpired request from a parent, or a legal guardian, or other person having legal control over the student to administer the medication to the student;

~~((4))~~ (d) The public school district or the private school is in receipt of ~~((b))~~: (i) A written, current and unexpired request from a licensed health professional prescribing within the scope of his or her prescriptive authority for administration of the medication, as there exists a valid health reason which makes administration of such medication advisable during the hours when school is in session or the hours in which the student is under the supervision of school officials~~((:));~~; and ~~((b))~~ (ii) written, current and unexpired instructions from such licensed health professional prescribing within the scope of his or her prescriptive authority regarding the administration of prescribed medication to students who require medication for more than fifteen consecutive workdays;

~~((5))~~ (e) The medication is administered by an employee designated by or pursuant to the policies adopted pursuant to (a) of this subsection ~~((1) of this section)~~ and in substantial compliance with the prescription of a licensed health professional prescribing within the scope of his or her prescriptive authority or the written instructions provided pursuant to (d) of this subsection ~~((4) of this section)~~. If a school nurse is on the premises, a nasal spray that is a legend drug or a controlled substance must be administered by the school nurse. If no school nurse is on the premises, a nasal spray that is a legend drug or a controlled substance may be administered by a trained school employee or parent-designated adult who is not a school nurse. The board of directors shall allow school personnel, who have received appropriate training and volunteered for such training, to administer a nasal spray that is a legend drug or a controlled substance. After a school employee who is not a school nurse administers a nasal spray that is a legend drug or a controlled substance, the employee shall summon emergency medical assistance as soon as practicable;

~~((6))~~ (f) The medication is first examined by the employee administering the same to determine in his or her judgment that it

appears to be in the original container and to be properly labeled; and

~~((7))~~ (g) The board of directors shall designate a professional person licensed pursuant to chapter 18.71 RCW or chapter 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to delegate to, train, and supervise the designated school district personnel in proper medication procedures;

~~((8)(a))~~ For the purposes of this section, "parent-designated adult" means a volunteer, who may be a school district employee, who receives additional training from a health care professional or expert in epileptic seizure care selected by the parents, and who provides care for the child consistent with the individual health plan.

~~(b))~~ (h) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW must file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter. A parent-designated adult must be a volunteer, who may be a school district employee, who receives additional training from a health care professional or expert in epileptic seizure care selected by the parents, and who provides care for the child consistent with the individual health plan; and

~~((9))~~ (i) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with epilepsy to ensure a safe, therapeutic learning environment. Training may also be provided by an epilepsy educator who is nationally certified. Parent-designated adults who are school employees are required to receive the training provided under this subsection. Parent-designated adults who are not school employees must show evidence of comparable training. The parent-designated adult must also receive additional training as established in (h) of this subsection ~~((8)(a) of this section))~~ for the additional care the parents have authorized the parent-designated adult to provide. The professional person designated under this subsection is not responsible for the supervision of the parent-designated adult for those procedures that are authorized by the parents~~(i)~~.

~~((40))~~ (2) This section does not apply to:

(a) Topical sunscreen products regulated by the United States food and drug administration for over-the-counter use. Provisions related to possession and application of topical sunscreen products are in RCW 28A.210.278; and

(b) Opioid overdose reversal medication. Provisions related to maintenance and administration of opioid overdose reversal medication are in section 39 of this act.

Sec. 42. RCW 28A.210.270 and 2013 c 180 s 2 are each amended to read as follows:

(1) In the event a school employee administers oral medication, topical medication, eye drops, ear drops, or nasal spray to a student pursuant to RCW 28A.210.260 in substantial compliance with the prescription of the student's licensed health professional prescribing within the scope of the professional's prescriptive authority or the written instructions provided pursuant to RCW 28A.210.260~~((4))~~ (1)(d), and the other conditions set forth in RCW 28A.210.260 have been substantially complied with, then the employee, the employee's school district or school of

employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual or marital or governmental or corporate or other capacities as a result of the administration of the medication.

(2) The administration of oral medication, topical medication, eye drops, ear drops, or nasal spray to any student pursuant to RCW 28A.210.260 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their governmental or corporate or individual or marital or other capacities as a result of the discontinuance of such administration: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student.

NEW SECTION. Sec. 43. A new section is added to chapter 28B.10 RCW to read as follows:

(1) For the purposes of this section:

(a) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095; and

(b) "Opioid-related overdose" has the meaning provided in RCW 69.41.095.

(2) By the beginning of the 2019-20 academic year, a public institution of higher education with a residence hall housing at least one hundred students must develop a plan: (a) For the maintenance and administration of opioid overdose reversal medication in and around the residence hall; and (b) for the training of designated personnel to administer opioid overdose reversal medication to respond to symptoms of an opioid-related overdose. The training may utilize free online training resources including, but not limited to, the free online training resources identified as appropriate for public schools in section 40 of this act. The plan may identify: The ratio of residents to opioid overdose reversal medication doses; the designated trained personnel, who may include residence hall advisers; and whether the designated trained personnel covers more than one residence hall.

(3) The state board for community and technical colleges shall assist an individual community or technical college with applying for grants or donations to obtain opioid overdose reversal medication at no cost or at a discount.

NEW SECTION. Sec. 44. (1) Section 15 of this act expires January 1, 2021.

(2) Section 16 of this act takes effect January 1, 2021.

NEW SECTION. Sec. 45. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 69.41.055, 69.41.095, 70.41.480, 70.168.090, 70.225.010, 70.225.040, 71.24.011, 71.24.560, 71.24.585, 71.24.590, 71.24.595, 28A.210.260, and 28A.210.270; amending 2005 c 70 s 1 (uncodified); reenacting and amending RCW 69.50.312, 69.50.312, 70.225.020, and 71.24.580; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; adding new sections to chapter 43.70 RCW; adding

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a new section to chapter 69.50 RCW; adding a new section to chapter 70.225 RCW; adding new sections to chapter 71.24 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding new sections to chapter 28A.210 RCW; adding a new section to chapter 28B.10 RCW; creating new sections; providing an effective date; and providing an expiration date."

And the bill do pass as recommended by the conference committee.

Signed by Senators Cleveland and Dhingra; Representatives Cody and Macri.

MOTION

Senator Cleveland moved that the Report of the Conference Committee on Substitute Senate Bill No. 5380 be adopted.

Senators Cleveland and O'Ban spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Report of the Conference Committee on Substitute Senate Bill No. 5380 be adopted.

The motion by Senator Cleveland carried and the Report of the Conference Committee was adopted by voice vote.

MOTIONS

On motion of Senator Rivers, Senator Walsh was excused.
On motion of Senator Hobbs, Senator Mullet was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5380, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5380, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Braun

Excused: Senators Mullet, Sheldon and Walsh

SUBSTITUTE SENATE BILL NO. 5380, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2019

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5258 and has passed the bill as recommended by the Conference Committee. and the same are herewith transmitted.

REPORT OF THE CONFERENCE COMMITTEE
Senate Bill No. 5258
April 26, 2019

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Senate Bill No. 5258, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60 RCW to read as follows:

(1) Every hotel, motel, retail, or security guard entity, or property services contractor, who employs an employee, must:

(a) Adopt a sexual harassment policy;

(b) Provide mandatory training to the employer's managers, supervisors, and employees to:

(i) Prevent sexual assault and sexual harassment in the workplace;

(ii) Prevent sexual discrimination in the workplace; and

(iii) Educate the employer's workforce regarding protection for employees who report violations of a state or federal law, rule, or regulation;

(c) Provide a list of resources for the employer's employees to utilize. At a minimum, the resources must include contact information of the equal employment opportunity commission, the Washington state human rights commission, and local advocacy groups focused on preventing sexual harassment and sexual assault; and

(d) Provide a panic button to each employee. The department must publish advice and guidance for employers with fifty or fewer employees relating to this subsection (1)(d). This subsection (1)(d) does not apply to contracted security guard companies licensed under chapter 18.170 RCW.

(2)(a) A property services contractor shall submit the following to the department on a form or in a manner determined by the department:

(i) The date of adoption of the sexual harassment policy required in subsection (1)(a) of this section;

(ii) The number of managers, supervisors, and employees trained as required by subsection (1)(b) of this section; and

(iii) The physical address of the work location or locations at which janitorial services are provided by workers of the property services contractor, and for each location: (A) The total number of workers or contractors of the property services contractor who perform janitorial services; and (B) the total hours worked.

(b) The department must make aggregate data submitted as required in this subsection (2) available upon request.

(c) The department may adopt rules to implement this subsection (2).

(3) For the purposes of this section:

(a) "Department" means the department of labor and industries.

(b) "Employee" means an individual who spends a majority of her or his working hours alone, or whose primary work responsibility involves working without another coworker present, and who is employed by an employer as a janitor, security guard, hotel or motel housekeeper, or room service attendant.

(c) "Employer" means any person, association, partnership, property services contractor, or public or private corporation, whether for-profit or not, who employs one or more persons.

(d) "Panic button" means an emergency contact device carried by an employee by which the employee may summon immediate on-scene assistance from another worker, a security guard, or a representative of the employer.

(e) "Property services contractor" means any person or entity that employs workers: (i) To perform labor for another person to provide commercial janitorial services; or (ii) on behalf of an employer to provide commercial janitorial services. "Property services contractor" does not mean the employment security department or individuals who perform labor under an agreement for exchanging their own labor or services with each other, provided the work is performed on land owned or leased by the individuals.

(f) "Security guard" means an individual who is principally employed as, or typically referred to as, a security officer or guard, regardless of whether the individual is employed by a private security company or a single employer or whether the individual is required to be licensed under chapter 18.170 RCW.

(4)(a) Hotels and motels with sixty or more rooms must meet the requirements of this section by January 1, 2020.

(b) All other employers identified in subsection (1) of this section must meet the requirements of this section by January 1, 2021."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "and adding a new section to chapter 49.60 RCW."

And the bill do pass as recommended by the conference committee.

Signed by Senators Conway, Keiser and King; Representatives Frame, Mosbrucker and Sells.

MOTION

Senator Keiser moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5258 be adopted.

Senators Keiser and King spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5258 be adopted.

The motion by Senator Keiser carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5258, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5258, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Mullet, Sheldon and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5258, as recommended by the Conference Committee, 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.

REPORT OF THE CONFERENCE COMMITTEE

Senate Bill No. 5370

April 25, 2019

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Senate Bill No. 5370, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that with the increase in air traffic operations, combined with the projections for the rapid expansion of these operations in both the short and the long term, concerns regarding the environmental, health, social, and economic impacts of air traffic are increasing as well. The legislature also finds that advancing Washington's position as a national and international trading leader is dependent upon the development of a highly competitive, statewide passenger and cargo air transportation system. Therefore, the legislature seeks to identify a location for a new primary commercial aviation facility in Washington, taking into consideration the data and conclusions of appropriate air traffic studies, community representatives, and industry experts. Options for a new primary commercial aviation facility in Washington may include expansion of an existing airport facility. It is the intent of the legislature to establish a state commercial aviation coordinating commission to provide a location recommendation by January 1, 2022. The legislature also recognizes any preferred location will require substantial environmental, land use, governance, and funding decisions from state and local governments.

NEW SECTION. **Sec. 2.** (1) The state commercial aviation coordinating commission is created to carry out the functions of this chapter. The commission shall consist of fifteen voting members.

(2) The governor shall appoint thirteen voting members to represent the following interests:

(a) Four as representatives of commercial service airports and ports, one of whom shall represent a port located in a county with a population of two million or more, one of whom shall represent a port in eastern Washington with an airport runway of at least thirteen thousand five hundred feet in length, one of whom shall represent a commercial service airport in eastern Washington located in a county with a population of four hundred thousand or more, and one representing an association of ports;

(b) Three as representatives from the airline industry and the private sector;

(c) Two citizen representatives with one appointed from eastern Washington and one appointed from western Washington. The citizen appointees must:

(i) Represent the public interests in the communities that are included in the commission's site research; and

(ii) Understand the impacts of a large commercial aviation facility on a community;

(d) A representative from the freight forwarding industry;

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- (e) A representative from the trucking industry;
 - (f) A representative from a community organization that understands the impacts of a large commercial aviation facility on a community; and
 - (g) A representative from a statewide environmental organization.
- (3) The remaining two members shall consist of:
- (a) A representative from the department of commerce; and
 - (b) A representative from the division of aeronautics of the department of transportation.
- (4) The commission shall invite the following nonvoting members:
- (a) A representative from the Washington state aviation alliance;
 - (b) A representative from the department of defense;
 - (c) Two members from the senate, with one member from each of the two largest caucuses in the senate, appointed by the president of the senate;
 - (d) Two members from the house of representatives, with one member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
 - (e) A representative from the division of aeronautics of the department of transportation;
 - (f) A representative from an eastern Washington metropolitan planning organization;
 - (g) A representative from a western Washington metropolitan planning organization;
 - (h) A representative from an eastern Washington regional airport; and
 - (i) A representative from a western Washington regional airport.
- (5) The governor may appoint additional nonvoting members as deemed appropriate.
- (6) The commission shall select a chair from among its membership and shall adopt rules related to its powers and duties under this chapter.
- (7) Legislative members of the commission are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. The commission has all powers necessary to carry out its duties as prescribed by this chapter.
- (8) The department of transportation shall provide staff support for coordinating and administering the commission and technical assistance as requested by commission members. The department shall consider cost-saving options such as using online conferencing tools. Meetings shall be held in Olympia, Washington unless resources allow for alternative locations.
- (9) At the direction of the commission, and as resources allow, the department of transportation is authorized to hire a consultant to assist with the review and research efforts of the commission. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.
- (10) The department of transportation shall convene the initial meeting of the commission as soon as practicable.
- (11) This section expires July 1, 2022.

NEW SECTION. Sec. 3. (1) The state commercial aviation coordinating commission will review existing data and conduct research to determine Washington's long-range commercial aviation facility needs and the site of a new primary commercial aviation facility. Research for each potential site must include the feasibility of constructing a commercial aviation facility in that

location and its potential environmental, community, and economic impacts. Options for a new primary commercial aviation facility in Washington may include expansion of an existing airport facility but may not include siting a facility on or in the vicinity of a military installation that would be incompatible with the installation's ability to carry out its mission requirements. The work of the commission shall include the following:

- (a) Recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities, excluding those located in a county with a population of two million or more, to meet anticipated commercial aviation, general aviation, and air cargo demands; and
 - (b) Identifying a preferred location for a new primary commercial aviation facility. The commission shall make recommendations and shall select a single preferred location by a sixty percent majority vote using the following process:
 - (i) Initiating a broad review of potential sites;
 - (ii) Recommending a final short list of no more than six locations by January 1, 2021;
 - (iii) Identifying the top two locations from the final six locations by September 1, 2021; and
 - (iv) Identifying a single preferred location for a new primary commercial aviation facility by January 1, 2022.
- (2) The commission shall submit a report of its findings and recommendations to the transportation committees of the legislature by January 1, 2022. The commission must allow a minority report to be included with the commission report if requested by a voting member of the commission.
- (3) This section expires July 1, 2022.

NEW SECTION. Sec. 4. (1) The state commercial aviation coordinating commission shall project a timeline for the development of an additional commercial aviation facility that is completed and functional by 2040.

(2) This section expires July 1, 2022.

NEW SECTION. Sec. 5. (1) Nothing in this act shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

(2) This section expires July 1, 2022."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "creating new sections; and providing expiration dates."

And the bill do pass as recommended by the conference committee.

Signed by Senators Keiser, Saldaña and Warnick; Representatives Dent, Fey and Orwall.

MOTION

Senator Keiser moved that the Report of the Conference Committee on Substitute Senate Bill No. 5370 be adopted.

Senators Keiser and Warnick spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Report of the Conference Committee on Substitute Senate Bill No. 5370 be adopted.

The motion by Senator Keiser carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5370, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5370, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Mullet and Sheldon

SUBSTITUTE SENATE BILL NO. 5370, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

SECOND SUBSTITUTE SENATE BILL NO. 5082,
ENGROSSED SENATE BILL NO. 5274,
SUBSTITUTE SENATE BILL NO. 5652,
SECOND SUBSTITUTE SENATE BILL NO. 5672,
and SUBSTITUTE SENATE BILL NO. 5714.

MOTION

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

SECOND READING

SENATE BILL NO. 5313, by Senator Wellman

Concerning school levies.

MOTIONS

On motion of Senator Wellman, Second Substitute Senate Bill No. 5313 was not substituted Senate Bill No. 5313 and the second substitute bill was not adopted by voice vote.

On motion of Senator Wellman, Substitute Senate Bill No. 5313 was substituted for Senate Bill No. 5313 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wellman moved that the following striking amendment no. 670 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.500.015 and 2018 c 266 s 303 are each amended to read as follows:

(1) Beginning in calendar year ~~((2019))~~ 2020 and each calendar year thereafter, the state must provide state local effort assistance

funding to supplement school district enrichment levies as provided in this section.

~~(2)(a)~~ For an eligible school district ~~((s))~~ with an actual enrichment levy rate that is less than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy rate divided by one dollar and fifty cents per thousand dollars of assessed value in the school district~~((s maximum allowable))~~,

(b) For an eligible school district with an actual enrichment levy rate that is equal to or greater than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance.

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

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

(a) "Eligible school district" means a school district ~~((whose maximum allowable enrichment))~~ where the amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district, divided by the school district's total student enrollment in the prior school year, is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor. Beginning in 2021, for the purpose of this section, "inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States for the prior calendar year as published in the November economic and revenue forecast by the economic and revenue forecast council or successor agency.

~~(c) ("Maximum allowable enrichment levy" means the maximum levy permitted by RCW 84.52.0531.~~

~~(d))~~ "Maximum local effort assistance" means the difference between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and

(ii) The amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district~~((s maximum allowable enrichment levy))~~.

~~((e))~~ (d) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed.

~~((f))~~ (e) "State local effort assistance threshold" means one thousand five hundred dollars per student, increased for inflation beginning in calendar year 2020.

~~((g))~~ (f) "Student enrollment" means the average annual full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

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Sec. 2. RCW 84.52.0531 and 2018 c 266 s 307 are each amended to read as follows:

(1) Beginning with taxes levied for collection in ~~((2019))~~ 2020, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of ~~((one))~~ two dollars and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit. This maximum dollar amount shall be reduced accordingly as provided under RCW 43.09.2856(2).

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

(a) For the purpose of this section, "inflation" means ~~((for any school year,))~~ the ((rate of the yearly increase of)) percentage change in the ((previous calendar year's annual average consumer)) implicit price ((index for all urban consumers, Seattle area, using the official current base compiled by)) deflator for personal consumption expenditures for the ((bureau of labor statistics,)) United States ((department of labor)) for the prior calendar year as published in the November economic and revenue forecast by the economic and revenue forecast council or successor agency.

(b) "Maximum per-pupil limit" means:

(i) Two thousand five hundred dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with fewer than forty thousand annual full-time equivalent students enrolled in the school district in the prior school year; or

(ii) Three thousand dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with forty thousand or more annual full-time equivalent students enrolled in the school district in the prior school year. ((Beginning with property taxes levied for collection in 2020, the maximum per-pupil limit shall be increased by inflation.))

(c) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(7) Beginning with taxes levied for collection in 2018, enrichment levy revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and for the 2018-19 school year are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

(8) Funds collected from levies for transportation vehicles, construction, modernization, or remodeling of school facilities as

established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

Sec. 3. RCW 28A.320.330 and 2018 c 266 s 302 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide ~~((any))~~ the supplemental expenditure schedule((s)) under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or

applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 4. RCW 43.09.2856 and 2018 c 266 s 406 are each amended to read as follows:

(1) Beginning with the 2019-20 school year, to ensure that school district local revenues are used solely for purposes of enriching the state's statutory program of basic education, the state auditor's regular financial audits of school districts must include a review of the expenditure of school district local revenues for compliance with RCW 28A.150.276, including the spending plan approved by the superintendent of public instruction under RCW 28A.505.240 and its implementation, and any supplemental contracts entered into under RCW 28A.400.200. The audit must also include a review of the expenditure schedule and supporting documentation required by RCW 28A.320.330(1)(c).

(2) If an audit under subsection (1) of this section results in findings that a school district has failed to comply with these requirements, then within ninety days of completing the audit the auditor must report the findings to the superintendent of public instruction, the office of financial management, and the education and operating budget committees of the legislature. If the superintendent of public instruction receives a report of findings from the state auditor that an expenditure of a school district is out of compliance with the requirements of RCW 28A.150.276, and the finding is not resolved in the subsequent audit, the maximum taxes levied for collection by the school district under RCW 84.52.0531 in the following calendar year shall be reduced by the expenditure amount identified by the state auditor.

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(3) The use of the state allocation provided for professional learning under RCW 28A.150.415 must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of RCW 28A.150.415."

On page 1, line 1 of the title, after "levies" strike the remainder of the title and insert "and local effort assistance; and amending RCW 28A.500.015, 84.52.0531, 28A.320.330, and 43.09.2856."

WITHDRAWAL OF AMENDMENT

On motion of Senator Palumbo and without objection, amendment no. 760 by Senator Palumbo on page 1, line 3 to the striking amendment was withdrawn.

MOTION

Senator Braun moved that the following amendment no. 819 by Senator Braun be adopted:

Beginning on page 1, line 3, strike all of sections 1 and 2

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

On page 9, after line 18, insert the following:

"Sec. 5. RCW 28A.150.390 and 2018 c 266 s 102 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9609.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means:

(i) The lesser of the district's actual enrollment percent or thirteen and five-tenths percent; or

(ii) For school districts with a student enrollment under one thousand students, the actual enrollment percent, if above thirteen and five-tenths percent.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.150 RCW to read as follows:

Subject to amounts appropriated for this specific purpose, school districts shall receive additional funding for students that are eligible for safety net awards under RCW 28A.150.392. Additional funds allocated under this section shall be the difference between:

(1) The base allocation as defined in RCW 28A.150.390(3)(a), multiplied by the excess cost multiplier under RCW 28A.150.390(2)(b); and

(2) The safety net eligibility threshold designated by the office of the superintendent of public instruction in the annual special education safety net application.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate an amount equal to five hundred dollars per annual average full-time equivalent student, as increased for inflation beginning in 2020, to school districts that meet the following criteria:

(1) An annual average full-time equivalent enrollment that is less than one thousand students;

(2) An annual average full-time equivalent enrollment that is greater than twenty thousand students, and a percentage of students eligible for free and reduced-price lunch that exceeds the statewide average percentage of students eligible for free and reduced-price lunch; or

(3) An annual average full-time equivalent enrollment that is greater than forty thousand students."

On page 9, beginning on line 20, after "assistance;" strike all material through "43.09.2856" on line 21 and insert "amending RCW 28A.320.330, 43.09.2856, and 28A.150.390; adding a new section to chapter 28A.150 RCW; and adding a new section to chapter 28A.300 RCW"

Senators Braun and Short spoke in favor of adoption of the amendment to the striking amendment.

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

Senator Short 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 adoption of the amendment by Senator Braun on page 1, line 3 to striking amendment no. 670.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Palumbo, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Nguyen,

Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Mullet and Sheldon.

WITHDRAWAL OF AMENDMENT

On motion of Senator Palumbo and without objection, amendment no. 769 by Senator Palumbo on page 1, line 5 to the striking amendment was withdrawn.

MOTION

Senator Palumbo moved that the following amendment no. 817 by Senator Palumbo be adopted:

On page 1, after line 21, insert the following:

"(c) Beginning in calendar year 2022, for state-tribal education compact schools established under chapter 28A.715 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent of public instruction for the previous year for the school district in which the state-tribal education compact school is located, up to a maximum per student amount of one thousand five hundred fifty dollars as increased by inflation from the 2019 calendar year, multiplied by the student enrollment of the state-tribal education compact school in the prior school year.

(d) Beginning in calendar year 2022, for charter schools established under chapter 28A.710 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent of public instruction for the previous year for the school district in which the charter school is located, up to a maximum per student amount of one thousand five hundred fifty dollars as increased by inflation from the 2019 calendar year, multiplied by the student enrollment of the charter school in the prior school year. The legislature must appropriate annual local effort assistance funds for charter schools from the Washington opportunity pathways account in accordance with RCW 28A.710.270.

(e) For a school district that meets the criteria in this subsection and is located west of the Cascades in a county that borders another state, the annual local effort assistance funding is equal to the local effort assistance funding authorized under (b) of this subsection and additional local effort assistance funding equal to the following amounts:

(i) Two hundred forty-six dollars per pupil in the 2019-20 school year for a school district with more than twenty-five thousand annual full-time equivalent students; and

(ii) Two hundred eighty-six dollars per pupil in the 2019-20 school year for a school district with more than twenty thousand annual full-time equivalent enrolled students but fewer than twenty-five thousand annual full-time equivalent enrolled students."

On page 2, beginning on line 7, after "department of labor" strike all material through "agency" on line 12

On page 2, line 26, after "five hundred" insert "fifty"

On page 3, beginning on line 12, after "means" strike all material through "agency" on line 20 and insert ", for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor"

On page 9, after line 18, insert the following:

"Sec. 5. RCW 28A.710.270 and 2016 c 241 s 127 are each amended to read as follows:

The state legislature shall, at each regular session in an odd-numbered year, appropriate from the Washington opportunity pathways account for the current use of charter public schools amounts as determined in accordance with RCW 28A.710.280, and amounts authorized under RCW 28A.710.230(1) and 28A.500.015(2)(d), for state support to charter schools during the ensuing biennium."

On page 9, line 21, after "28A.320.330," strike "and 43.09.2856" and insert "43.09.2856, and 28A.710.270"

Senators Palumbo, Wellman, Becker, Takko, Zeiger and Braun spoke in favor of adoption of the amendment to the striking amendment.

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

Senator Zeiger 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 adoption of the amendment by Senator Palumbo on page 1, line 21 to striking amendment no. 760.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Palumbo and the amendment was adopted by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Fortunato, Hawkins, Holy, Honeyford, Hunt, King, Kuderer, McCoy, O'Ban, Padden, Palumbo, Pedersen, Rivers, Rolfes, Salomon, Schoesler, Short, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Conway, Darneille, Das, Dhingra, Ericksen, Frockt, Hasegawa, Hobbs, Keiser, Liias, Lovelett, Nguyen, Randall, Saldaña, Van De Wege and Wilson, C.

Excused: Senators Mullet and Sheldon.

WITHDRAWAL OF AMENDMENT

On motion of Senator Palumbo and without objection, amendment no. 820 by Senator Palumbo on page 1, line 21 to the striking amendment was withdrawn.

The President declared the question before the Senate to be the adoption of striking amendment no. 670 by Senator Wellman as amended to Substitute Senate Bill No. 5313.

The motion by Senator Wellman carried and striking amendment no. 670 as amended was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute Senate Bill No. 5313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Braun, Padden, Zeiger, Rivers, Ericksen, Short, Fortunato and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5313.

ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5313 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, O'Ban, Padden, Palumbo, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:48 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of receiving messages from the house later in the legislative day.

MORNING SESSION

The Senate was called to order at 6:03 a.m. by the Acting President Pro Tempore, Senator Randall presiding.

POINT OF INQUIRY

Senator Liias: "What is your preferred salutation?"

Senator Randall: "How do you pronounce 'm' 'x'? No. 'Madam President.'"

MOTION

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

MESSAGES FROM THE HOUSE

April 26, 2019

MR. PRESIDENT:
The House has passed:

ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2158,
and the same are herewith transmitted.
BERNARD DEAN, Chief Clerk

April 26, 2019

MR. PRESIDENT:
The House has passed:

ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1873,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2163,
SUBSTITUTE HOUSE BILL NO. 2167,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 26, 2019

MR. PRESIDENT:
The House has passed:

HOUSE BILL NO. 1368,
SUBSTITUTE HOUSE BILL NO. 2168,
and the same are herewith transmitted.
BERNARD DEAN, Chief Clerk

MOTION

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

SECOND SUPPLEMENTAL AND FIRST READING

HB 1368 by Representatives Springer, Kretz, Riccelli, Orcutt, Goodman, Maycumber, Wylie, Dent, Steele and Doglio AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1368 by Representatives Springer, Kretz, Riccelli, Orcutt, Goodman, Maycumber, Wylie, Dent, Steele and Doglio AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

E2SHB 1873 by House Committee on Appropriations (originally sponsored by Pollet, Harris, Cody, Robinson, Tarleton, Frame, Bergquist, Ryu, Kilduff, Macri, Stonier, Dolan, Orwall, Doglio, Senn, Stanford, Appleton, Callan, Wylie, Peterson, Valdez, Walen, Leavitt, Kloba and Lovick)

AN ACT Relating to the taxation of vapor products as tobacco products; amending RCW 66.08.145, 66.44.010, 70.345.090, 70.345.160, 82.24.510, 82.24.550, 82.26.060, 82.26.080, 82.26.150, 82.26.220, 82.32.300, and 43.06.450; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2140 by House Committee on Appropriations (originally sponsored by Sullivan, Dolan and Thai)

AN ACT Relating to K-12 education funding; amending RCW 84.52.0531 and 28A.500.015; and providing an effective date.

Referred to Committee on Ways & Means.

E2SHB 2158 by House Committee on Appropriations (originally sponsored by Hansen, Tarleton, Ormsby, Sullivan, Robinson, Bergquist, Slatter, Pollet, Valdez, Sells, Tharinger, Ortiz-Self, Appleton, Dolan, Macri, Senn, Thai, Kloba, Goodman, Stanford and Orwall)

AN ACT Relating to creating a workforce education investment to train Washington students for Washington jobs; amending RCW 28B.92.030, 43.88C.010, 28B.10.790, 28B.12.030, 28B.92.040, 28B.92.065, 28B.15.065, 28B.15.740, 28B.15.760, 28B.15.762, 28B.15.820, 28B.116.010, 28A.180.120, 28B.76.502, 28B.76.525, 28B.76.526, 28B.76.540, 28B.76.699, 28B.77.020, 28B.117.020, 28B.118.090, 28B.133.010, 28B.133.020, 28C.18.166, 28C.18.060, 43.216.135, 28B.115.070, and 28B.15.621; reenacting and amending RCW 28B.108.010, 28B.118.010, 28B.145.005, 28B.145.010, 28B.145.020, 28B.145.030, 28B.145.040, and 28B.145.090; adding a new section to chapter 43.79 RCW; adding new sections to chapter 28B.92 RCW; adding a new section to chapter 28A.700 RCW; adding a new section to chapter 28B.145 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 28B RCW; adding a new chapter to Title 28C RCW; creating new sections; repealing RCW 28B.92.010, 28B.92.020, 28B.92.050, 28B.92.060, 28B.92.080, 28B.92.082, 28B.92.084, 28B.97.010, 28B.97.020, 28B.119.005, 28B.119.010, 28B.119.020, 28B.119.030, 28B.119.040, 28B.119.050, and 28B.119.900; making appropriations; providing an effective date; providing a contingent effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

ESHB 2163 by House Committee on Appropriations (originally sponsored by Stokesbary)

AN ACT Relating to transferring extraordinary revenue growth from the budget stabilization account for K-12 education; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2167 by House Committee on Finance (originally sponsored by Tarleton)

AN ACT Relating to tax revenue; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SHB 2168 by House Committee on Finance (originally sponsored by Tarleton)

AN ACT Relating to tax preferences; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2168 by House Committee on Finance (originally sponsored by Tarleton)

AN ACT Relating to tax preferences; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 6:06 a.m., on motion of Senator Liias, the Senate adjourned until 2:00 o'clock p.m. Saturday, April 27, 2019.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

ONE HUNDRED FOURTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia
Saturday, April 27, 2019

The Senate was called to order at 2:04 p.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Mr. Nathaniel Williams, II and Mr. Mohamed Bughrara, presented the Colors. Mr. Matthew Frohlich, a university student interning with the Office of Senator Ericksen, led the Senate in the Pledge of Allegiance.

The prayer was offered by the Reverend Kathryn Nichols, Hospice Chaplain at CHI Franciscan Hospice & Palliative Care, University Place.

The President called upon the Secretary to read the journal of the preceding day.

MOTION

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

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 26, 2019

SB 6004 Prime Sponsor, Senator Rolfes: Relating to fiscal matters. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6004 be substituted therefor, and the substitute bill do pass. Signed by Senators Billig; Carlyle; Rolfes, Chair; Van De Wege; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Darneille; Conway Frockt, Vice Chair, Operating, Capital Lead.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Mullet, Capital Budget Cabinet and Rivers.

MINORITY recommendation: Do not pass. Signed by Senators Wagoner; Schoesler; Becker; Bailey; Honeyford, Assistant Ranking Member, Capital; Brown, Assistant Ranking Member, Operating; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

April 26, 2019

SHB 1406 Prime Sponsor, Committee on Housing, Community Development & Veterans: Encouraging investments in affordable and supportive housing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Mullet, Capital Budget Cabinet; Billig; Conway; Darneille; Hunt; Keiser; Liias; Palumbo; Pedersen; Frockt, Vice Chair, Operating, Capital Lead; Van De Wege; Bailey; Warnick Rolfes, Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Hasegawa.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker; Rivers; Schoesler; Wagoner and Wilson, L.

Referred to Committee on Rules for second reading.

April 26, 2019

SHB 1652 Prime Sponsor, Committee on Environment & Energy: Concerning paint stewardship. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Liias; Palumbo; Pedersen; Keiser; Hunt; Hasegawa; Darneille; Conway; Carlyle; Billig; Mullet, Capital Budget Cabinet Frockt, Vice Chair, Operating, Capital Lead.

MINORITY recommendation: Do not pass. Signed by Senators Wagoner; Van De Wege; Schoesler; Rivers; Becker; Bailey; Honeyford, Assistant Ranking Member, Capital; Brown, Assistant Ranking Member, Operating; Braun, Ranking Member; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

April 26, 2019

ESHB 1839 Prime Sponsor, Committee on Finance: Requiring eligible arena projects to fully pay the state and local sales tax within ten years of commencing construction. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Frockt, Vice Chair,

Operating, Capital Lead; Wilson, L.; Warnick; Wagoner; Van De Wege; Schoesler; Rivers; Palumbo; Liias; Keiser; Hunt; Darneille; Conway; Carlyle; Billig; Becker; Bailey; Honeyford, Assistant Ranking Member, Capital; Brown, Assistant Ranking Member, Operating; Braun, Ranking Member Mullet, Capital Budget Cabinet.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Pedersen.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6024 by Senator Randall

AN ACT Relating to facilitating the transfer of persons detained for involuntary behavioral health treatment to certified evaluation and treatment facilities; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Health & Long Term Care.

SB 6025 by Senators Honeyford, Takko, Padden, Hobbs, Schoesler, Becker, Fortunato, Wilson, L., King, Zeiger, Short, Ericksen, Wagoner, Brown, Holy, Warnick, Braun, Sheldon and Conway

AN ACT Relating to bump-fire stock buy-back program records; amending RCW 42.56.230 and 42.56.230; providing an effective date; providing an expiration date; and declaring an emergency.

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

MOTION

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

MOTION

At 2:13 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:21 p.m. by President Habib.

MOTION

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

MESSAGE FROM THE HOUSE

April 26, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1160 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees; Representatives: Fey, Wylie, Barkis

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1160 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1160 and the House amendment(s) there to: Senators Hobbs, King and Saldaña.

MOTIONS

On motion of Senator Liias, the appointments to the conference committee were confirmed by voice vote.

On motion of Senator Wilson, C., Senator Salomon was excused.

MESSAGE FROM THE HOUSE

April 26, 2019

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5290 and asks the Senate to concur thereon. and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Darneille moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5290 and ask the House to recede therefrom.

Senator Darneille spoke in favor of the motion.

PARLIAMENTARY INQUIRY

Senator Padden: "We're talking about House amendments? Or are we talking about amendments that the Senate put on the bill?"

REPLY BY THE PRESIDENT

President Habib: "Senator Padden, this is a Senate Bill. So, the motion is to not concur in the amendments that the House has proposed, has passed to the Senate Bill."

The President declared the question before the Senate to be the motion by Senator Darneille that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5290 and ask the House to recede therefrom.

ONE HUNDRED FOURTH DAY, APRIL 27, 2019

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The motion by Senator Darneille carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5290 and asked the House to recede therefrom by voice vote.

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Senate Bill No. 5881.

Senator King spoke in favor of the motion.

MESSAGE FROM THE HOUSE

April 19, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2020 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hunt moved that the Senate insist on its position in the Senate amendment(s) to Engrossed House Bill No. 2020 and ask the House to concur thereon.

Senator Hunt spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hunt that the Senate insist on its position in the Senate amendment(s) to Engrossed House Bill No. 2020 and ask the House to concur thereon.

The motion by Senator Hunt carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed House Bill No. 2020 and asked the House to concur thereon by voice vote.

MESSAGE FROM THE HOUSE

April 15, 2019

MR. PRESIDENT:

The House passed SENATE BILL NO. 5881 with the following amendment(s): 5881 AMH ENGR H2659.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.37.435 and 1990 c 95 s 2 are each amended to read as follows:

~~((From June 7, 1990,)) (1) A person ((who)) is guilty of unlawful installation of safety glazing or film sunscreening material if he or she knowingly installs safety glazing or film sunscreening material in violation of RCW 46.37.430 ((is guilty of)). Installation includes both the original application of safety glazing or film sunscreening material and the installation of vehicle windows which have already had safety glazing or film sunscreening material applied. Unlawful installation of safety glazing or film sunscreening material((s. Unlawful installation)) is a misdemeanor.~~

(2) A person is guilty of unlawful purchase or sale of safety glazing or film sunscreening material installation services if he or she provides or receives compensation with the knowledge that such compensation is for the purpose of installing safety glazing or film sunscreening material in violation of RCW 46.37.430. Installation includes both the original application of safety glazing or film sunscreening material and the installation of vehicle windows which have already had safety glazing or film sunscreening material applied. Unlawful purchase or sale of safety glazing or film sunscreening material installation services is a gross misdemeanor."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Senate Bill No. 5881.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5881 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5881, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5881, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Braun

Excused: Senator Salomon

SENATE BILL NO. 5881, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 15, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5883 with the following amendment(s): 5883-S AMH TR H2649.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.44.105 and 2007 c 419 s 13 are each amended to read as follows:

(1)(a) Except as provided in (c) of this subsection, a violation of any of the provisions of this chapter is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

~~((2))~~(b)(i) Except as provided in (c) of this subsection, in addition to the penalties imposed in (a) of this subsection ((1) of this section), any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed a penalty for each pound overweight, as follows:

~~((a))~~(A) One pound through four thousand pounds overweight is three cents for each pound;

~~((b))~~ (B) Four thousand one pounds through ten thousand pounds overweight is one hundred twenty dollars plus twelve cents per pound for each additional pound over four thousand pounds overweight;

~~((c))~~ (C) Ten thousand one pounds through fifteen thousand pounds overweight is eight hundred forty dollars plus sixteen cents per pound for each additional pound over ten thousand pounds overweight;

~~((d))~~ (D) Fifteen thousand one pounds through twenty thousand pounds overweight is one thousand six hundred forty dollars plus twenty cents per pound for each additional pound over fifteen thousand pounds overweight;

~~((e))~~ (E) Twenty thousand one pounds and more is two thousand six hundred forty dollars plus thirty cents per pound for each additional pound over twenty thousand pounds overweight.

(ii) Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. Except as specified in (c) of this subsection, in no case may the basic penalty assessed in (a) of this subsection (~~((1) of this section))~~ or the additional penalty assessed in (b) of this subsection (~~((2) of this section))~~, except as provided for the first violation, be suspended.

~~((3))~~(c)(i) The penalties in (a) and (b) of this subsection are not applicable and a written warning must be issued when a traffic infraction for a violation of RCW 46.44.041 occurs and the following applies:

(A) A vehicle or combination of vehicles carrying farm products, as defined in RCW 7.48.310, from the field where the farm product was grown or harvested, exceeds the gross vehicle weight limits in RCW 46.44.041 by five percent or less; and

(B) The driver of the vehicle has not been issued a traffic infraction or has received no more than one written warning for a violation of RCW 46.44.041 within the calendar year in which the violation occurs.

(ii) The state patrol must track the issuance of written warnings issued for RCW 46.44.041 for the purposes of determining whether a violation of RCW 46.44.041 is the first in a calendar year.

(2) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred ~~((and))~~ fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

~~((4))~~ (3) It is unlawful for the driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. It is unlawful for a driver of a commercial motor vehicle as defined in RCW 46.32.005, other than the driver of a bus as defined in RCW 46.32.005(3) or a vehicle with a gross vehicle weight rating or gross combination weight rating of 7,257 kilograms or less (16,000 pounds or less) and not transporting hazardous materials in accordance with RCW 46.32.005(4), to fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open. However, unladen tow trucks regardless of weight and farm vehicles carrying farm produce with a gross vehicle weight rating or gross combination weight rating of 11,794 kilograms or less (26,000 pounds or less) may fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open.

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale.

Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law. If the vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of the load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. The owner or operator of the vehicle shall care for all materials unloaded at the risk of the owner or operator.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined one thousand dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

~~((5))~~ (4) Any other provision of law to the contrary notwithstanding, district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

~~((6))~~ (5) For the purpose of determining additional penalties as provided by subsection ~~((2))~~ (1)(b) of this section, "overweight" means the poundage in excess of the maximum allowable gross weight or axle/axle grouping weight prescribed by RCW 46.44.041, 46.44.042, 46.44.047, 46.44.091, and 46.44.095.

~~((7))~~ (6) The penalties provided in subsection ~~((s))~~ (1)(a) and ~~((2))~~ (b) of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic penalties and additional penalties to be imposed under subsection ~~((s))~~ (1)(a) and ~~((2))~~ (b) of this section, the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

~~((8))~~ (7) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

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~~((9))~~ (8) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

~~((40))~~ (9) It is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements in RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is to be operated on the public highways of this state.

~~((44))~~ (10) The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator King moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5883.

Senator King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator King that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5883.

The motion by Senator King carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5883 by voice vote.

MOTION

On motion of Senator Short, Senator Braun was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5883, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5883, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Salomon

SUBSTITUTE SENATE BILL NO. 5883, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2019

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5894. Under suspension of the rules, the bill

was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5894-S AMH ENGR H2748.E, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.16.060 and 1987 c 319 s 2 are each amended to read as follows:

(1) It ~~((shall be))~~ is the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of twenty-two and one-half cents per thousand dollars of assessed value against all the taxable property of such municipality: PROVIDED, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said dollar rate is not necessary to maintain the actuarial soundness of the fund, the levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of ~~((said))~~ such dollar rate may be levied and used for any other municipal purpose.

(2) It ~~((shall be))~~ is the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.043, to levy and place in the fund an additional tax of twenty-two and one-half cents per thousand dollars of assessed value against all taxable property of such municipality: PROVIDED, That if a report by a qualified actuary establishes that all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose, subject to subsection (4) of this section: PROVIDED FURTHER, That cities that have annexed to library districts according to RCW 27.12.360 through 27.12.395 and/or fire protection districts according to RCW 52.04.061 through 52.04.081 ~~((shall))~~ may not levy this additional tax to the extent that it causes the combined levies to exceed the statutory or constitutional limits.

(3) The amount of a levy under this section allocated to the pension fund may be reduced in the same proportion as the regular property tax levy of the municipality is reduced by chapter 84.55 RCW.

(4) If a municipality no longer has any beneficiaries receiving benefits under this chapter, the whole or any part of such additional levy under subsection (2) of this section may continue to be levied for the payment of benefits provided under RCW 41.26.150(1) or other municipal purpose until such time that the municipality no longer has any beneficiaries receiving benefits under RCW 41.26.150(1), however the proceeds of the additional levy must be annually expended for payment of benefits provided under RCW 41.26.150(1) prior to being spent for any other purpose."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5894.

Senator Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5894.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5894 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5894, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5894, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Salomon

SUBSTITUTE SENATE BILL NO. 5894, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2019

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5937 with the following amendment(s): 5937.E AMH TR H2467.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.37.100 and 2002 c 196 s 1 are each amended to read as follows:

(1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber, or yellow, and except that on any vehicle forty or more years old, or on any motorcycle regardless of age, the taillight may also contain a blue or purple insert of not more than one inch in diameter, and except that the light illuminating the license plate shall be white and the light emitted by a backup lamp shall be white or amber. However, for commercial motor vehicles defined in RCW 46.32.005, stop lamps must be red and other signal devices must be red or amber.

Sec. 2. RCW 46.37.200 and 2006 c 306 s 3 are each amended to read as follows:

(1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any

shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps. However, for commercial motor vehicles defined in RCW 46.32.005, stop lamps must be red.

(2) Any vehicle may be equipped and when required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

(3) Any vehicle may be equipped and when required under this chapter shall be equipped with a center high-mounted stop lamp mounted on the center line of the rear of the vehicle. These stop lamps shall display a red light visible from a distance of not less than three hundred feet to the rear in normal sunlight, and shall be actuated upon application of a service brake, and may not be incorporated with any other rear lamps."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Lovelett moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5937.

Senator Lovelett spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Lovelett that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5937.

The motion by Senator Lovelett carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5937 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5937, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5937, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers,

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Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Salomon

ENGROSSED SENATE BILL NO. 5937, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5955 with the following amendment(s): 5955-S AMH ENGR H2469.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.270 and 2004 c 183 s 2 are each amended to read as follows:

(1) Whenever the department of social and health services places a child with a developmental disability in out-of-home care pursuant to RCW 74.13.350, the department shall obtain a judicial determination within one hundred eighty days of the placement that continued placement is in the best interests of the child. If the child's out-of-home placement ends before one hundred eighty days have elapsed, no judicial determination is required.

(2) To obtain the judicial determination, the department shall file a petition alleging that there is located or residing within the county a child who has a developmental disability and that the child has been placed in out-of-home care pursuant to RCW 74.13.350. The petition shall request that the court review the child's placement, make a determination whether continued placement is in the best interests of the child, and take other necessary action as provided in this section. The petition shall contain the name, date of birth, and residence of the child and the names and residences of the child's parent or legal guardian who has agreed to the child's placement in out-of-home care. Reasonable attempts shall be made by the department to ascertain and set forth in the petition the identity, location, and custodial status of any parent who is not a party to the placement agreement and why that parent cannot assume custody of the child.

(3) Upon filing of the petition, the clerk of the court shall schedule the petition for a hearing to be held no later than fourteen calendar days after the petition has been filed. The department shall provide notification of the time, date, and purpose of the hearing to the parent or legal guardian who has agreed to the child's placement in out-of-home care. The department shall also make reasonable attempts to notify any parent who is not a party to the placement agreement, if the parent's identity and location is known. Notification under this section may be given by the most expedient means, including but not limited to, mail, personal service, and telephone.

(4) The court shall appoint a guardian ad litem for the child as provided in RCW 13.34.100, unless the court for good cause finds the appointment unnecessary.

(5) Permanency planning hearings shall be held as provided in this section. At the hearing, the court shall review whether the child's best interests are served by continued out-of-home placement and determine the future legal status of the child.

(a) For children age ten and under, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree or guardianship order under chapter 11.88 RCW has not

previously been entered. The hearing shall take place no later than twelve months following commencement of the child's current placement episode.

(b) For children over age ten, a permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least fifteen months and an adoption decree or guardianship order under chapter 11.88 RCW has not previously been entered. The hearing shall take place no later than eighteen months following commencement of the current placement episode.

(c) No later than ten working days before the permanency planning hearing, the department shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties. The plan shall be directed toward securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent or legal guardian; adoption; guardianship; or long-term out-of-home care, until the child is age eighteen, with a written agreement between the parties and the child's care provider.

(d) If a goal of long-term out-of-home care has been achieved before the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remains appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.

(e) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the voluntary placement agreement is terminated.

(6) Any party to the voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian, unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130. The department shall notify the court upon termination of the voluntary placement agreement and return of the child to the care of the child's parent or legal guardian. Whenever a voluntary placement agreement is terminated, an action under this section shall be dismissed.

(7) When state or federal funds are expended for the care and maintenance of a child with a developmental disability, placed in care as a result of an action under this chapter, the department shall refer the case to the division of child support, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

(8) This section does not prevent the department of children, youth, and families from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030. An action filed under this section shall be dismissed upon the filing of a dependency petition regarding a child who is the subject of the action under this section.

(9) For purposes of this section, unless the context clearly requires otherwise, "department" means the department of social and health services.

Sec. 2. RCW 13.36.030 and 2010 c 272 s 3 are each amended to read as follows:

(1) Any party to a dependency proceeding under chapter 13.34 RCW may request a guardianship be established for a dependent child by filing a petition in juvenile court under this chapter. All

parties to the dependency and the proposed guardian must receive adequate notice of all proceedings under this chapter. Service of the notice and summons may be made under direction of the court by any person eighteen years of age or older who is not a party to the proceedings or by any law enforcement officer, probation counselor, or department employee. For purposes of this chapter, a dependent child age twelve years or older is a party to the proceedings. A proposed guardian has the right to intervene in proceedings under this chapter.

(2) To be designated as a proposed guardian in a petition under this chapter, a person must be age twenty-one or over and must meet the minimum requirements to care for children as established by the department under RCW 74.15.030, including but not limited to licensed foster parents, relatives, and suitable persons.

(3) Every petition filed in proceedings under this chapter shall contain: (a) A statement alleging whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an Indian child as defined under the Indian child welfare act, the provisions of that act shall apply; (b) a statement alleging whether the federal servicemembers civil relief act of 2003, 50 U.S.C. Sec. 501 et seq. applies to the proceeding; and (c) a statement alleging whether the Washington service members' civil relief act, chapter 38.42 RCW, applies to the proceeding.

(4) Every order or decree entered in any proceeding under this chapter shall contain: (a) A finding that the Indian child welfare act does or does not apply. Where there is a finding that the Indian child welfare act does apply, the decree or order must also contain a finding that all notice requirements and evidentiary requirements under the Indian child welfare act have been satisfied; (b) a finding that the federal servicemembers civil relief act of 2003 does or does not apply; and (c) a finding that the Washington service members' civil relief act, chapter 38.42 RCW, does or does not apply.

Sec. 3. RCW 18.19.020 and 2011 c 86 s 1 are each amended to read as follows:

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

(1) "Agency" means (a) an agency or facility operated, licensed, or certified by the state of Washington; (b) a federally recognized Indian tribe located within the state; or (c) a county.

(2) "Agency affiliated counselor" means a person registered under this chapter who is engaged in counseling and employed by an agency. "Agency affiliated counselor" includes juvenile probation counselors who are employees of the juvenile court under RCW 13.04.035 and 13.04.040 and juvenile court employees providing functional family therapy, aggression replacement training, or other evidence-based programs approved by ~~((the juvenile rehabilitation administration of))~~ the department of ~~((social and health services))~~ children, youth, and families.

(3) "Certified adviser" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

(4) "Certified counselor" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

(5) "Client" means an individual who receives or participates in counseling or group counseling.

(6) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others

and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

(7) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

(8) "Department" means the department of health.

(9) "Hypnotherapist" means a person registered under this chapter who is practicing hypnosis as a modality.

(10) "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in RCW 18.19.200.

(11) "Psychotherapy" means the practice of counseling using diagnosis of mental disorders according to the fourth edition of the diagnostic and statistical manual of mental disorders, published in 1994, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

(12) "Secretary" means the secretary of the department or the secretary's designee.

Sec. 4. RCW 26.26A.260 and 2018 c 6 s 313 are each amended to read as follows:

The state registrar of vital statistics may release information relating to an acknowledgment of parentage or denial of parentage to a signatory of the acknowledgment or denial, a court, a federal agency, an agency operating a child welfare program under Title IV-E of the social security act, and a child support agency of this or another state.

Sec. 5. RCW 26.50.150 and 2017 3rd sp.s. c 6 s 334 are each amended to read as follows:

Any program that provides domestic violence treatment to perpetrators of domestic violence must be certified by the department of ~~((children, youth, and families))~~ social and health services and meet minimum standards for domestic violence treatment purposes. The department of ~~((children, youth, and families))~~ social and health services shall adopt rules for standards of approval of domestic violence perpetrator programs. The treatment must meet the following minimum qualifications:

(1) All treatment must be based upon a full, complete clinical intake including but not limited to: Current and past violence history; a lethality risk assessment; history of treatment from past domestic violence perpetrator treatment programs; a complete diagnostic evaluation; a substance abuse assessment; criminal history; assessment of cultural issues, learning disabilities, literacy, and special language needs; and a treatment plan that adequately and appropriately addresses the treatment needs of the individual.

(2) To facilitate communication necessary for periodic safety checks and case monitoring, the program must require the perpetrator to sign the following releases:

(a) A release for the program to inform the victim and victim's community and legal advocates that the perpetrator is in treatment with the program, and to provide information, for safety purposes, to the victim and victim's community and legal advocates;

(b) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

(c) A release for the program to provide information on the perpetrator to relevant legal entities including: Lawyers, courts, parole, probation, child protective services, and child welfare services.

(3) Treatment must be for a minimum treatment period defined by the secretary of the department of ~~((children, youth, and families))~~ social and health services by rule. The weekly

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treatment sessions must be in a group unless there is a documented, clinical reason for another modality. Any other therapies, such as individual, marital, or family therapy, substance abuse evaluations or therapy, medication reviews, or psychiatric interviews, may be concomitant with the weekly group treatment sessions described in this section but not a substitute for it.

(4) The treatment must focus primarily on ending the violence, holding the perpetrator accountable for his or her violence, and changing his or her behavior. The treatment must be based on nonvictim-blaming strategies and philosophies and shall include education about the individual, family, and cultural dynamics of domestic violence. If the perpetrator or the victim has a minor child, treatment must specifically include education regarding the effects of domestic violence on children, such as the emotional impacts of domestic violence on children and the long-term consequences that exposure to incidents of domestic violence may have on children.

(5) Satisfactory completion of treatment must be contingent upon the perpetrator meeting specific criteria, defined by rule by the secretary of the department of ~~((children, youth, and families))~~ social and health services, and not just upon the end of a certain period of time or a certain number of sessions.

(6) The program must have policies and procedures for dealing with reoffenses and noncompliance.

(7) All evaluation and treatment services must be provided by, or under the supervision of, qualified personnel.

(8) The secretary of the department of ~~((children, youth, and families))~~ social and health services may adopt rules and establish fees as necessary to implement this section.

(9) The department of ~~((children, youth, and families))~~ social and health services may conduct on-site monitoring visits as part of its plan for certifying domestic violence perpetrator programs and monitoring implementation of the rules adopted by the secretary of the department of ~~((children, youth, and families))~~ social and health services to determine compliance with the minimum qualifications for domestic violence perpetrator programs. The applicant or certified domestic violence perpetrator program shall cooperate fully with the department of ~~((children, youth, and families))~~ social and health services in the monitoring visit and provide all program and management records requested by the department of ~~((children, youth, and families))~~ social and health services to determine the program's compliance with the minimum certification qualifications and rules adopted by the department of ~~((children, youth, and families))~~ social and health services.

Sec. 6. RCW 41.04.674 and 2017 3rd sp.s. c 20 s 12 are each amended to read as follows:

(1) The foster parent shared leave pool is created to allow employees to donate leave to be used as shared leave for any employee who is a foster parent needing to care for or preparing to accept a foster child in their home. Participation in the pool shall, at all times, be voluntary on the part of the employee. The department of ~~((social and health services))~~ children, youth, and families, in consultation with the office of financial management, shall administer the foster parent shared leave pool.

(2) Employees, as defined in RCW 41.04.655, may donate leave to the foster parent shared leave pool.

(3) An employee, as defined in RCW 41.04.655, who is also a foster parent licensed pursuant to RCW 74.15.040 may request shared leave from the foster parent shared leave pool.

(4) Shared leave under this section may not be granted unless the pool has a sufficient balance to fund the requested shared leave.

(5) Shared leave paid under this section must not exceed the level of the employee's state monthly salary.

(6) Any leave donated must be removed from the personally accumulated leave balance of the employee donating the leave.

(7) An employee who receives shared leave from the pool is not required to recontribute such leave to the pool, except as otherwise provided in this section.

(8) Leave that may be donated or received by any one employee shall be calculated as in RCW 41.04.665.

(9) As used in this section, "monthly salary" includes monthly salary and special pay and shift differential, or the monthly equivalent for hourly employees. "Monthly salary" does not include:

- (a) Overtime pay;
- (b) Call back pay;
- (c) Standby pay; or
- (d) Performance bonuses.

(10) The office of financial management, in consultation with the department of ~~((social and health services))~~ children, youth, and families, shall adopt rules and policies governing the donation and use of shared leave from the foster parent shared leave pool, including definitions of pay and allowances and guidelines for agencies to use in recordkeeping concerning shared leave.

(11) Agencies must investigate any alleged abuse of the foster parent shared leave pool and on a finding of wrongdoing, the employee may be required to repay all of the shared leave received from the foster parent shared leave pool.

(12) Higher education institutions shall adopt policies consistent with the needs of the employees under their respective jurisdictions.

Sec. 7. RCW 41.37.010 and 2018 c 241 s 1 are each amended to read as follows:

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

(1) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(3) "Adjustment ratio" means the value of index A divided by index B.

(4) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(5)(a) "Average final compensation" means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.37.290.

(b) In calculating average final compensation under (a) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer; and

(ii) Any compensation forgone by a member employed by the state or a local government employer during the 2011-2013 fiscal biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer.

Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(7)(a) "Compensation earnable" for members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States internal revenue code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

(b) "Compensation earnable" for members also includes the following actual or imputed payments, which are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement, which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided in this subsection, and the individual shall receive the equivalent service credit;

(ii) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(A) The compensation earnable the member would have received had such member not served in the legislature; or

(B) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions;

(iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(iv) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.37.060;

(v) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670; and

(vi) Compensation that a member receives for being in standby status. For the purposes of this section, a member is in standby status when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise.

(8) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(9) "Director" means the director of the department.

(10) "Eligible position" means any permanent, full-time position included in subsection (19) of this section.

(11) "Employee" or "employed" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law.

(12) "Employer" means the Washington state department of corrections, the Washington state parks and recreation commission, the Washington state gambling commission, the Washington state patrol, the Washington state department of natural resources, the Washington state liquor and cannabis

board, the Washington state department of veterans affairs, the Washington state department of children, youth, and families, and the Washington state department of social and health services; any county corrections department; any city corrections department not covered under chapter 41.28 RCW; and any public corrections entity created under RCW 39.34.030 by counties, cities not covered under chapter 41.28 RCW, or both. Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an employer. The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an employer, but is based solely on the relationship between a government contractor's employee and an employer under this chapter.

(13) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(14) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(15) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(16) "Index B" means the index for the year prior to index A.

(17) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (10) of this section.

(18) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(19) "Member" means any employee employed by an employer on a full-time basis:

(a) Who is in a position that requires completion of a certified criminal justice training course and is authorized by their employer to arrest, conduct criminal investigations, enforce the criminal laws of the state of Washington, and carry a firearm as part of the job;

(b) Whose primary responsibility is to ensure the custody and security of incarcerated or probationary individuals as a corrections officer, probation officer, or jailer;

(c) Who is a limited authority Washington peace officer, as defined in RCW 10.93.020, for an employer;

(d) Whose primary responsibility is to provide nursing care to, or to ensure the custody and safety of, offender, adult probationary, or patient populations; and who is in a position that requires completion of defensive tactics training or de-escalation training; and who is employed by one of the following state institutions or centers operated by the department of social and health services or the department of children, youth, and families:

(i) Juvenile rehabilitation administration institutions, not including community facilities;

(ii) Mental health hospitals;

(iii) Child study and treatment centers; or

(iv) Institutions or residential sites that serve developmentally disabled patients or offenders, except for state-operated living alternatives facilities;

(e) Whose primary responsibility is to provide nursing care to offender and patient populations in institutions and centers operated by the following employers: A city or county corrections department as set forth in subsection (12) of this section, a public corrections entity as set forth in subsection (12) of this section,

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the Washington state department of corrections, or the Washington state department of veterans affairs; or

(f) Whose primary responsibility is to supervise members eligible under this subsection.

(20) "Membership service" means all service rendered as a member.

(21) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(22) "Plan" means the Washington public safety employees' retirement system plan 2.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" means any person who has begun accruing a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member.

(25) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(26) "Retirement allowance" means monthly payments to a retiree or beneficiary as provided in this chapter.

(27) "Retirement system" means the Washington public safety employees' retirement system provided for in this chapter.

(28) "Separation from service" occurs when a person has terminated all employment with an employer.

(29) "Service" means periods of employment by a member on or after July 1, 2006, for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(a) Service in any state elective position shall be deemed to be full-time service.

(b) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(30) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(31) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(34) "State treasurer" means the treasurer of the state of Washington.

Sec. 8. RCW 42.56.230 and 2018 c 109 s 16 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2)(a) Personal information:

(i) For a child enrolled in licensed child care in any files maintained by the department of children, youth, and families;

(ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs; ((or))

(iii) For the family members or guardians of a child who is subject to the exemption under this subsection (2) if the family member or guardian has the same last name as the child or if the family member or guardian resides at the same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information exempted under (a)(i) and (ii) of this subsection; or

(iv) For substitute caregivers who are licensed or approved to provide overnight care of children by the department of children, youth, and families.

(b) Emergency contact information under this subsection (2) may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093;

(7)(a) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicaid.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicaid issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse;

(8) All information related to individual claims resolution structured settlement agreements submitted to the board of

industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals.

Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in subsection (7)(c) and (d) of this section that is subject to public disclosure;

(9) Voluntarily submitted information contained in a database that is part of or associated with enhanced 911 emergency communications systems, or information contained or used in emergency notification systems as provided under RCW 38.52.575 and 38.52.577; and

(10) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots.

NEW SECTION. Sec. 9. RCW 43.20A.870 (Children's services—Annual quality assurance report) and 1999 c 372 s 7 & 1997 c 386 s 47 are each repealed.

NEW SECTION. Sec. 10. A new section is added to chapter 43.20B RCW to read as follows:

The department is authorized to establish and to recover debts for the department of children, youth, and families under this chapter and under RCW 13.40.220 pursuant to a contract between the department of children, youth, and families and the department that is entered into in compliance with the interlocal cooperation act, chapter 39.34 RCW.

NEW SECTION. Sec. 11. A new section is added to chapter 43.216 RCW to read as follows:

The department shall prepare an annual quality assurance report that must, at minimum, include: (1) Performance outcomes regarding health and safety of children in the children's services system; (2) children's length of stay in out-of-home placement from each date of referral; (3) adherence to permanency planning timelines; and (4) the response time on child protective services investigations differentiated by risk level determined at intake.

Sec. 12. RCW 43.43.837 and 2017 3rd sp.s. c 6 s 225 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary of the department of social and health services and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual (~~residing~~) sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by (~~the department of social and health services or~~) the department of children, youth, and families to provide services to children (~~or people with developmental disabilities~~) under RCW 74.15.030; (~~or~~)

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056.

(3) To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicant and service providers providing foster care as required in RCW 74.15.030.

(5) Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(6) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(7) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families; and

(f) Services in, or to residents of, a secure facility under RCW 71.09.115.

(8) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

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(9) Department of children, youth, and families service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(10) The department of social and health services and the department of children, youth, and families shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(11) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department of social and health services or ~~(the)~~ department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered; or

(v) A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position.

(b) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or

(iv) Work or serve in a department of social and health services or department of children, youth, and families-covered position.

(c) "Secretary" means the secretary of the department of social and health services.

(d) "Secure facility" has the meaning provided in RCW 71.09.020.

(e) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families

client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered. "Service provider" does not include those certified under chapter 70.96A RCW.

Sec. 13. RCW 43.216.390 and 2011 c 295 s 6 are each amended to read as follows:

Upon resignation or termination with or without cause of any individual working in a child care agency, the child care agency shall report to the department within twenty-four hours if it has knowledge of the following with respect to the individual:

(1) Any charge or conviction for a crime listed in WAC ~~((470-06-0120))~~ 110-06-0120;

(2) Any other charge or conviction for a crime that could be reasonably related to the individual's suitability to provide care for or have unsupervised access to children or care; or

(3) Any negative action as defined in RCW ~~((43.215.010))~~ 43.216.010.

Sec. 14. RCW 68.50.105 and 2013 c 295 s 1 are each amended to read as follows:

(1) Reports and records of autopsies or postmortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, the department of labor and industries in cases in which it has an interest under RCW 68.50.103, or the secretary of the department of ~~(social and health services)~~ children, youth, and families or his or her designee in cases being reviewed under RCW 74.13.640.

(2)(a) Notwithstanding the restrictions contained in this section regarding the dissemination of records and reports of autopsies or postmortems, nor the exemptions referenced under RCW 42.56.240(1), nothing in this chapter prohibits a coroner, medical examiner, or his or her designee, from publicly discussing his or her findings as to any death subject to the jurisdiction of his or her office where actions of a law enforcement officer or corrections officer have been determined to be a proximate cause of the death, except as provided in (b) of this subsection.

(b) A coroner, medical examiner, or his or her designee may not publicly discuss his or her findings outside of formal court or inquest proceedings if there is a pending or active criminal investigation, or a criminal or civil action, concerning a death that has commenced prior to January 1, 2014.

(3) The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or postmortem. For the purposes of this section, the term "family" means the surviving spouse, state registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

Sec. 15. RCW 74.04.790 and 2006 c 95 s 2 are each amended to read as follows:

(1) For purposes of this section only, "assault" means an unauthorized touching of a child protective, child welfare, or adult protective services worker employed by the department of children, youth, and families or the department of social and health services resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in child protective, child welfare, and adult protective services, the legislature hereby provides a supplementary program to reimburse employees of the department, for some of their costs attributable to their being the victims of assault while in the course of discharging their assigned duties. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of children, youth, and families, or the secretary's designee, or the secretary of social and health services, or the secretary's designee, finds that each of the following has occurred:

(a) A person has assaulted the employee while the employee was in the course of performing his or her official duties and, as a result thereof, the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the secretary, or the secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the secretary, or the secretary's designee, believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) All reimbursement payments required to be made to employees under this section shall be made by the department. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(10) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

Sec. 16. RCW 74.13.110 and 2017 3rd sp.s. c 20 s 14 are each amended to read as follows:

(1) The ~~((child welfare system))~~ department of children, youth, and families contracted services performance improvement account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may

be expended solely ~~((for the following: (a) Foster home licensing; (b))~~ to improve contracted services provided to clients under the agency's program areas, including child welfare, early learning, family support, and adolescents, to support (a) achieving permanency for children; ((e) support and assistance provided to foster parents in order to improve) ~~((b))~~ (b) improving foster home retention and stability of placements; ((d)) (c) improving and increasing placement options for youth in out-of-home care; ((and (e))) (d) preventing out-of-home placement; and (e) achieving additional, measurable department of children, youth, and families outcome goals adopted by the department.

(2) Revenues to the ~~((child welfare system))~~ department of children, youth, and families contracted services performance improvement account consist of: (a) Legislative appropriations; and (b) any other public or private funds appropriated to or deposited in the account.

Sec. 17. RCW 74.13.350 and 2011 c 309 s 34 are each amended to read as follows:

(1) It is the intent of the legislature that parents are responsible for the care and support of children with developmental disabilities. The legislature recognizes that, because of the intense support required to care for a child with developmental disabilities, the help of an out-of-home placement may be needed. It is the intent of the legislature that, when the sole reason for the out-of-home placement is the child's developmental disability, such services be offered by the department to these children and their families through a voluntary placement agreement. In these cases, the parents shall retain legal custody of the child.

~~((As used in this section, "voluntary placement agreement" means a written agreement between the department and a child's parent or legal guardian authorizing the department to place the child in a licensed facility.))~~ (2) Under the terms of ~~((this))~~ a voluntary placement agreement, the parent or legal guardian shall retain legal custody and the department shall be responsible for the child's placement and care. The agreement shall at a minimum specify the legal status of the child and the rights and obligations of the parent or legal guardian, the child, and the department while the child is in placement. The agreement must be signed by the child's parent or legal guardian and the department to be in effect, except that an agreement regarding an Indian child shall not be valid unless executed in accordance with RCW 13.38.150. Any party to a voluntary placement agreement may terminate the agreement at any time. Upon termination of the agreement, the child shall be returned to the care of the child's parent or legal guardian unless the child has been taken into custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130.

~~((As used in this section, "out of home placement" and "out of home care" mean the placement of a child in a foster family home or group care facility licensed under chapter 74.15 RCW.))~~

(3) Whenever the department places a child in out-of-home care under a voluntary placement pursuant to this section, the department shall have the responsibility for the child's placement and care. The department shall develop a permanency plan of care for the child no later than sixty days from the date that the department assumes responsibility for the child's placement and care. Within the first one hundred eighty days of the placement, the department shall obtain a judicial determination pursuant to RCW 13.04.030(1)(j) and 13.34.270 that the placement is in the best interests of the child. If the child's out-of-home placement ends before one hundred eighty days have elapsed, no judicial determination under RCW 13.04.030(1)(b) is required. The permanency planning hearings shall review whether the child's

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best interests are served by continued out-of-home placement and determine the future legal status of the child.

(4) The department shall provide for periodic administrative reviews as required by federal law. A review may be called at any time by either the department, the parent, or the legal guardian.

(5) Nothing in this section shall prevent the department of children, youth, and families from filing a dependency petition if there is reason to believe that the child is a dependent child as defined in RCW 13.34.030.

(6) The department shall adopt rules providing for the implementation of chapter 386, Laws of 1997 and the transfer of responsibility for out-of-home placements from the dependency process under chapter 13.34 RCW to the process under this chapter.

(7) It is the intent of the legislature that the department undertake voluntary out-of-home placement in cases where the child's developmental disability is such that the parent, guardian, or legal custodian is unable to provide the necessary care for the child, and the parent, guardian, or legal custodian has determined that the child would benefit from placement outside of the home. If the department does not accept a voluntary placement agreement signed by the parent, a petition may be filed and an action pursued under chapter 13.34 RCW. The department shall inform the parent, guardian, or legal custodian in writing of their right to civil action under chapter 13.34 RCW.

(8) Nothing in this section prohibits the department of children, youth, and families from seeking support from parents of a child, including a child with a developmental disability if the child has been placed into care as a result of an action under chapter 13.34 RCW, when state or federal funds are expended for the care and maintenance of that child or when the department receives an application for services from the physical custodian of the child, unless the department of children, youth, and families finds that there is good cause not to pursue collection of child support against the parent or parents.

(9) For the purposes of this section:

(a) Unless the context clearly requires otherwise, "department" means the department of social and health services.

(b) "Out-of-home placement" and "out-of-home care" mean the placement of a child in a foster family home or group care facility licensed under chapter 74.15 RCW.

(c) "Voluntary placement agreement" means a written agreement between the department of social and health services and a child's parent or legal guardian authorizing the department to place the child in a licensed facility.

NEW SECTION. Sec. 18. A new section is added to chapter 74.14B RCW to read as follows:

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

(1) "Department" means the department of children, youth, and families.

(2) "Secretary" means the secretary of the department of children, youth, and families.

NEW SECTION. Sec. 19. RCW 74.14C.070 (Appropriations—Transfer of funds from foster care services to family preservation services—Annual report) and 2017 3rd sp.s. c 6 s 512, 2003 c 207 s 3, 1995 c 311 s 11, 1994 c 288 s 3, & 1992 c 214 s 9 are each repealed.

Sec. 20. RCW 74.15.030 and 2017 3rd sp.s. c 6 s 409 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons

representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children or expectant mothers; however, a background check is not required if a caregiver approves an activity pursuant to the prudent parent standard contained in RCW 74.13.710;

(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:

(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;

(ii) Foster care and adoption placements; and

(iii) Any adult living in a home where a child may be placed;

(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;

(g) The cost of fingerprint background check fees will be paid as required in RCW 43.43.837;

(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;

(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children or expectant mothers;

(k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(l) The financial ability of an agency to comply with minimum requirements established pursuant to this chapter and RCW 74.13.031; and

(m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children or expectant mothers prior to authorizing that person to care for children or expectant mothers. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including agencies or facilities operated by the department of social and health services that receive children for care outside their own homes, child day-care centers, and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to this chapter and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with this chapter and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children or expectant mothers.

Sec. 21. RCW 13.50.100 and 2017 3rd sp.s. c 6 s 313 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050, 13.50.260, and 13.50.270.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the statewide judicial information system. However, truancy records associated with a juvenile who has no other case history, and records of a juvenile's parents who have no other case history, shall be removed from the judicial information system when the juvenile is no longer subject to the compulsory attendance laws in chapter 28A.225 RCW. A county clerk is not liable for unauthorized release of this data by persons or agencies not in his or her employ or otherwise subject to his or her control, nor is the county clerk liable for inaccurate or incomplete information collected from litigants or other persons required to provide identifying data pursuant to this section.

(4) Subject to (a) of this subsection, the department of children, youth, and families may release information retained in the course of conducting child protective services investigations to a family

or juvenile court hearing a petition for custody under chapter 26.10 RCW.

(a) Information that may be released shall be limited to information regarding investigations in which: (i) The juvenile was an alleged victim of abandonment or abuse or neglect; or (ii) the petitioner for custody of the juvenile, or any individual aged sixteen or older residing in the petitioner's household, is the subject of a founded or currently pending child protective services investigation made by the department of social and health services or the department of children, youth, and families subsequent to October 1, 1998.

(b) Additional information may only be released with the written consent of the subject of the investigation and the juvenile alleged to be the victim of abandonment or abuse and neglect, or the parent, custodian, guardian, or personal representative of the juvenile, or by court order obtained with notice to all interested parties.

(5) Any disclosure of records or information by the department of social and health services or the department of children, youth, and families, pursuant to this section shall not be deemed a waiver of any confidentiality or privilege attached to the records or information by operation of any state or federal statute or regulation, and any recipient of such records or information shall maintain it in such a manner as to comply with such state and federal statutes and regulations and to protect against unauthorized disclosure.

(6) A contracting agency or service provider of the department of social and health services or the department of children, youth, and families, that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombuds information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

(7) A juvenile, his or her parents, the juvenile's attorney, and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of children, youth, and families or the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

(8) A juvenile or his or her parent denied access to any records following an agency determination under subsection (7) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access

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may not be permitted according to the standards found in subsection (7)(a) and (b) of this section.

(9) The person making a motion under subsection (8) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(10) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection (7) of this section. A party denied access to records may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than one hundred dollars for each day the records were wrongfully denied.

(11) No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020(1) may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

Sec. 22. RCW 13.50.010 and 2018 c 58 s 78 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Good faith effort to pay" means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments;

(b) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the oversight board for children, youth, and families, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, the department of children, youth, and families and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(c) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, notices of hearing or appearance, service documents, witness and exhibit lists, findings of the court and court orders, agreements, judgments, decrees, notices of appeal, as well as documents prepared by the clerk, including court minutes, letters, warrants, waivers, affidavits, declarations, invoices, and the index to clerk papers;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(e) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services or the department of children, youth, and families relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or

inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the oversight board for children, youth, and families or the office of the family and children's ombuds.

(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the administrative office of the courts for research purposes as authorized by the supreme court or by state statute. The administrative office of the courts shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. Data contained in the research copy may be shared with other governmental agencies as authorized by state statute, pursuant to data-sharing and research agreements, and consistent

with applicable security and confidentiality requirements. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

(14) The court shall release to the Washington state office of civil legal aid records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.53.045. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of civil legal aid. The Washington state office of civil legal aid shall maintain the confidentiality of all confidential information included in the records, and shall, as soon as possible, destroy any retained notes or records obtained under this section that are not necessary for its functions related to RCW 2.53.045.

(15) For purposes of providing for the educational success of youth in foster care, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with meeting the educational needs of current and former foster youth to another state agency or state agency's contracted provider responsible under state law or contract for assisting current and former foster youth to attain educational success. The records retain their confidentiality pursuant to this chapter and federal law and cannot be further disclosed except as allowed under this chapter and federal law.

(16) For the purpose of ensuring the safety and welfare of the youth who are in foster care, the department of children, youth, and families may disclose to the department of commerce and its contracted providers responsible under state law or contract for providing services to youth, only those confidential child welfare records that pertain to ensuring the safety and welfare of the youth who are in foster care who are admitted to crisis residential centers or HOPE centers under contract with the office of homeless youth prevention and protection. Records disclosed under this subsection retain their confidentiality pursuant to this chapter and federal law and may not be further disclosed except as permitted by this chapter and federal law.

(17) For purposes of investigating and preventing child abuse and neglect, and providing for the health care coordination and the well-being of children in foster care, the department of children, youth, and families may disclose only those confidential child welfare records that pertain to or may assist with investigation and prevention of child abuse and neglect, or may assist with providing for the health and well-being of children in foster care to the department of social and health services, the health care authority, or their contracting agencies. For purposes of investigating and preventing child abuse and neglect, and to provide for the coordination of health care and the well-being of children in foster care, the department of social and health services and the health care authority may disclose only those confidential child welfare records that pertain to or may assist with investigation and prevention of child abuse and neglect, or may assist with providing for the health care coordination and the well-being of children in foster care to the department of children, youth, and families, or its contracting agencies. The records retain their confidentiality pursuant to this chapter and federal law and

cannot be further disclosed except as allowed under this chapter and federal law.

Sec. 23. RCW 28B.117.030 and 2018 c 232 s 4 are each amended to read as follows:

(1) The office shall design and, to the extent funds are appropriated for this purpose, implement, passport to careers with two programmatic pathways: The passport to college promise program and the passport to apprenticeship opportunities program. Both programs offer supplemental scholarship and student assistance for students who were under the care of the state foster care system, tribal foster care system, or federal foster care system, and verified unaccompanied youth or young adults who have experienced homelessness.

(2) The office shall convene and consult with an advisory committee to assist with program design and implementation. The committee shall include but not be limited to former foster care and unaccompanied homeless youth and their advocates; representatives from the state board for community and technical colleges, public and private agencies that assist current and former foster care recipients and unaccompanied youth or young adults experiencing homelessness in their transition to adulthood; student support specialists from public and private colleges and universities; the state workforce training and education coordinating board; the employment security department; and the state apprenticeship council.

(3) To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for assistance under this section if he or she:

(a)(i) Was in the care of the state foster care system, tribal foster care system, or federal foster care system in Washington state at any time before age twenty-one subsequent to the following:

- (A) Age fifteen as of July 1, 2018;
- (B) Age fourteen as of July 1, 2019; and
- (C) Age thirteen as of July 1, 2020; or

(ii) Beginning July 1, 2019, was verified on or after July 1st of the prior academic year as an unaccompanied youth experiencing homelessness, before age twenty-one;

(b) Is a resident student, as defined in RCW 28B.15.012(2), or if unable to establish residency because of homelessness or placement in out-of-state foster care under the interstate compact for the placement of children, has residency determined through verification by the office;

(c) Is enrolled with or will enroll on at least a half-time basis with an institution of higher education or a registered apprenticeship or recognized preapprenticeship in Washington state by the age of twenty-one;

(d) Is making satisfactory academic progress toward the completion of a degree, certificate program, or registered apprenticeship or recognized preapprenticeship, if receiving supplemental scholarship assistance;

(e) Has not earned a bachelor's or professional degree; and

(f) Is not pursuing a degree in theology.

(4) The office shall define a process for verifying unaccompanied homeless status for determining eligibility under subsection (3)(a)(ii) of this section. The office may use a letter from the following persons or entities to provide verification: A high school or school district McKinney-Vento liaison; the director or designated staff member of an emergency shelter, transitional housing program, or homeless youth drop-in center; or other similar professional case manager or school employee. Students who have no formal connection with such a professional may also submit to the office an essay that describes their experience with homelessness and the barriers it created to their academic progress. The office may consider this essay in lieu of

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a letter of homelessness determination and may interview the student if further information is needed to verify eligibility.

(5) A passport to college promise program is created.

(a) A passport to college promise scholarship under this section:

(i) Shall not exceed resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state; and

(ii) Shall not exceed the student's financial need, when combined with all other public and private grant, scholarship, and waiver assistance the student receives.

(b) An eligible student may receive a passport to college promise scholarship under this section for a maximum of five years after the student first enrolls with an institution of higher education or until the student turns age twenty-six, whichever occurs first. If a student turns age twenty-six during an academic year, and would otherwise be eligible for a scholarship under this section, the student shall continue to be eligible for a scholarship for the remainder of the academic year.

(c) The office, in consultation with and with assistance from the state board for community and technical colleges, shall perform an annual analysis to verify that those institutions of higher education at which students have received a scholarship under this section have awarded the student all available need-based and merit-based grant and scholarship aid for which the student qualifies.

(d) In designing and implementing the passport to college promise student support program under this section, the office, in consultation with and with assistance from the state board for community and technical colleges, shall ensure that a participating college or university:

(i) Has a viable plan for identifying students eligible for assistance under this section, for tracking and enhancing their academic progress, for addressing their unique needs for assistance during school vacations and academic interims, and for linking them to appropriate sources of assistance in their transition to adulthood;

(ii) Receives financial and other incentives for achieving measurable progress in the recruitment, retention, and graduation of eligible students.

(e) To the extent funds are appropriated for this specific purpose, the office shall contract with at least one nongovernmental entity to provide services to support effective program implementation, resulting in increased postsecondary completion rates for passport scholars.

(6) The passport to apprenticeship opportunities program is created. The office shall:

(a) Identify students and applicants who are eligible for services under RCW 28B.117.030 through coordination of certain agencies as detailed in RCW 28B.117.040;

(b) Provide financial assistance through the nongovernmental entity or entities in RCW 28B.117.055 for registered apprenticeship and recognized preapprenticeship entrance requirements and occupational-specific costs that does not exceed the individual's financial need; and

(c) Extend financial assistance to any eligible applicant for a maximum of six years after first enrolling with a registered apprenticeship or recognized preapprenticeship, or until the applicant turns twenty-six, whichever occurs first.

(7) Recipients may utilize passport to college promise or passport to apprenticeship opportunities at different times, but not concurrently. The total award an individual may receive in any combination of the programs shall not exceed the equivalent amount that would have been awarded for the individual to attend

a public university for five years with the highest annual tuition and state-mandated fees in the state.

(8) Personally identifiable information shared pursuant to this section retains its confidentiality and may not be further disclosed except as allowed under state and federal law.

Sec. 24. RCW 28B.117.040 and 2018 c 232 s 5 are each amended to read as follows:

Effective operation of the passport to careers program requires early and accurate identification of former foster care youth and unaccompanied youth experiencing homelessness so that they can be linked to the financial and other assistance that will help them succeed in college or in a registered apprenticeship or recognized preapprenticeship. To that end:

(1) All institutions of higher education that receive funding for student support services under RCW 28B.117.030 shall include on their applications for admission or on their registration materials a question asking whether the applicant has been in state, tribal, or federal foster care in Washington state or experienced unaccompanied homelessness under the parameters in ~~((subsection (3)(a) of this section))~~ RCW 28B.117.030(3)(a), as determined by the office, with an explanation that financial and support services may be available. All other institutions of higher education are strongly encouraged to include such a question and explanation. No institution may consider whether an applicant may be eligible for a scholarship or student support services under this chapter when deciding whether the applicant will be granted admission.

(2) With substantial input from the office of the superintendent of public instruction, the department of social and health services and the department of children, youth, and families shall devise and implement procedures for efficiently, promptly, and accurately identifying students and applicants who are eligible for services under RCW 28B.117.030, and for sharing that information with the office, the institutions of higher education, and the nongovernmental entity or entities identified in RCW 28B.77.250, 28B.117.030(5)(e), and 28B.117.055. The procedures shall include appropriate safeguards for consent by the applicant or student before disclosure. This information retains its confidentiality under chapter 13.50 RCW and federal law and may not be further disclosed except as allowed under state and federal law.

(3) Nothing in this chapter allows the sharing of confidential information that is prohibited by state or federal law.

Sec. 25. RCW 26.26A.410 and 2018 c 6 s 503 are each amended to read as follows:

(1) The petitioner shall give notice of a proceeding to adjudicate parentage to the following individuals:

(a) The woman who gave birth to the child, unless a court has adjudicated that she is not a parent;

(b) An individual who is a parent of the child under this chapter;

(c) A presumed, acknowledged, or adjudicated parent of the child; and

(d) An individual whose parentage of the child is to be adjudicated.

(2) An individual entitled to notice under subsection (1) of this section has a right to intervene in the proceeding.

(3) Lack of notice required by subsection (1) of this section does not render a judgment void. Lack of notice does not preclude an individual entitled to notice under subsection (1) of this section from bringing a proceeding under RCW 26.26A.450(2).

(4) In cases where the child is dependent or alleged to be dependent under chapter 13.34 RCW, the petitioner shall give

notice to the state agency administering the plan under Title IV-E of the social security act.

NEW SECTION. Sec. 26. A new section is added to chapter 43.216 RCW to read as follows:

(1) The legislature encourages the child welfare division of the department to incorporate reflective supervision principles and recognizes that the cumulative stress of child welfare work, workload for caseworkers and supervisors, organizational support levels, access to resources, insufficient training, limited direct service time, lack of clear expectations, limited access to technology, and burdensome paperwork contribute to high turnover. Child welfare workers who experience secondary, work-related trauma should be given the necessary support to process intense emotional events and the tools to build resiliency.

(2) The department shall provide a report on the department's current efforts to improve workplace culture to the relevant committees of the legislature in compliance with RCW 43.01.036 by December 1, 2019. The report must include results and activities related to the department's organizational change management initiatives, efforts related to the federal program improvement plan, and the department's existing peer support program.

(3) The department and any external entity responsible for providing child welfare worker training shall provide a report on current child welfare worker training to the relevant committees of the legislature in compliance with RCW 43.01.036 by September 1, 2019, that includes:

(a) A review of the effectiveness of the current course curriculum for supervisors;

(b) An evaluation of the preparedness of new child welfare workers;

(c) An inventory of the trauma-informed trainings for child welfare workers and supervisors;

(d) An inventory of the reflective supervision principles embedded within trainings for child welfare workers and supervisors; and

(e) An inventory of the department's efforts to systemize peer support for child welfare workers and supervisors.

(4) The department shall provide a training improvement plan to the relevant committees of the legislature in compliance with RCW 43.01.036 by January 1, 2020, based on the report required under subsection (3) of this section that describes the recommended frequency of trainings and other recommended improvements to child welfare worker training.

(5) For purposes of this section, "child welfare worker" means an employee of the department whose job includes supporting or providing child welfare services as defined in RCW 74.13.020 or child protective services as defined in RCW 26.44.020.

(6) This section expires July 1, 2021.

Sec. 27. RCW 74.14B.010 and 2018 c 58 s 79 are each amended to read as follows:

(1) ~~((Caseworkers employed in children services))~~ Child welfare workers shall meet minimum standards established by the department. Comprehensive training for ~~((caseworkers))~~ child welfare workers shall be completed before such ~~((caseworkers))~~ child welfare workers are assigned to case-carrying responsibilities ~~((without direct supervision))~~ as the sole worker assigned to a particular case. Intermittent, part-time, and standby child welfare workers shall be subject to the same minimum standards and training.

(2) Ongoing specialized training shall be provided for ~~((persons))~~ child welfare workers responsible for investigating child sexual abuse. Training participants shall have the

opportunity to practice interview skills and receive feedback from instructors.

(3) The department, the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement statewide training that contains consistent elements for persons engaged in the interviewing of children, including law enforcement, prosecution, and child protective services.

(4) The training required by this section shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; ~~((and))~~ (i) address documentation of investigative interviews; and (j) include self-care for child welfare workers.

(5) The identification of domestic violence is critical in ensuring the safety of children in the child welfare system. ~~((As a result))~~ It is also critical for child welfare workers to support victims of domestic violence while victims continue to care for their children, when possible, as domestic violence perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself as provided in RCW 26.44.020. For these reasons, ongoing domestic violence training and consultation shall be provided to ~~((caseworkers))~~ child welfare workers, including how to use the department's practice guide to domestic violence.

(6) By January 1, 2021, the department shall:

(a) Develop and implement an evidence-informed curriculum for supervisors providing support to child welfare workers to better prepare candidates for effective supervisory and leadership roles within the department;

(b) Develop specialized training for child welfare workers that includes simulation and coaching designed to improve clinical and analytical skills;

(c) Based on the report required under section 26(3) of this act, develop and implement training for child welfare workers that incorporates trauma-informed care and reflective supervision principles.

(7) For purposes of this section, "child welfare worker" means an employee of the department whose job includes supporting or providing child welfare services as defined in RCW 74.13.020 or child protective services as defined in RCW 26.44.020.

NEW SECTION. Sec. 28. A new section is added to chapter 43.216 RCW to read as follows:

(1) The department shall provide child welfare workers and those supervising child welfare workers with access to:

(a) A critical incident protocol that establishes a process for appropriately responding to traumatic or high stress incidents in a manner that provides employees with proper mental health and stress management support, guidance, and education; and

(b) Peer counseling from someone trained in providing peer counseling and support.

(2) The department shall systematically collect workforce data regarding child welfare workers including staff turnover, workload distribution, exit interviews, and regular staff surveys to assess organizational culture and psychological safety.

(3) The department shall make a concerted effort to increase efficiency through the reduction of paperwork.

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(4) The department shall develop a scientifically based method for measuring the direct service time of child welfare workers and contracted resources.

(5) The department shall convene a technical work group to develop a workload model including standardized ratios for supervisors, clerical, and other child welfare worker support staff and child welfare worker caseload ratios by case type.

(a) The technical work group must include:

(i) Two child welfare worker representatives, one from west of the crest of the Cascade mountain range, and one from east of the crest of the Cascade mountain range;

(ii) Fiscal staff from the department;

(iii) Human resources staff from the department; and

(iv) A representative from the office of financial management.

(b) The department shall provide a report to the relevant committees of the legislature in compliance with RCW 43.01.036 by December 1, 2019, that includes a description of the workload model recommended by the technical work group and the steps the department is taking to implement this model.

(c) The technical work group established in this section shall continue to meet and provide an annual report to the relevant committees of the legislature in compliance with RCW 43.01.036 by December 1st of each year regarding any recommended modifications to the workload model and steps the department is taking to implement those changes.

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

(a) "Child welfare worker" means an employee of the department whose job includes supporting or providing child welfare services as defined in RCW 74.13.020 including those providing family assessment response services as defined in RCW 26.44.020 or child protective services as defined in RCW 26.44.020.

(b) "Critical incident" means an incident that is unusual and involves a perceived or actual threat of harm to an individual which includes but is not limited to child fatalities or near fatalities.

Sec. 29. RCW 74.13.270 and 2017 3rd sp.s. c 20 s 1 are each amended to read as follows:

(1) The legislature recognizes the need for temporary short-term relief for foster parents who care for children with emotional, mental, or physical ~~((handicaps))~~ disabilities. For purposes of this section, respite care means appropriate, temporary, short-term care for these foster children placed with licensed foster parents. The purpose of this care is to give the foster parents temporary relief from the stresses associated with the care of these foster children. The department shall design a program of respite care that will minimize disruptions to the child and will serve foster parents within these priorities, based on input from foster parents, foster parent associations, and reliable research if available.

(2)(a) For the purposes of this section, and subject to funding appropriated specifically for this purpose, short-term support shall include case aides who provide temporary assistance to foster parents as needed with the overall goal of supporting the parental efforts of the foster parents except that this assistance shall not include overnight assistance. The department shall contract with nonprofit community-based organizations in each region to establish a statewide pool of individuals to provide the support described in this subsection. These individuals shall be ~~((hired by))~~ employees or volunteers with the nonprofit community-based organization and shall have the appropriate training, background checks, and qualifications as determined by the department. Short-term support as described in this subsection shall be available to all licensed foster parents in the state as

funding is available and shall be phased in by geographic region. To obtain the assistance of a case aide for this purpose, the foster parent may request the services from the nonprofit community-based organization and the nonprofit community-based organization may offer assistance to licensed foster families. If the requests for the short-term support provided in this subsection exceed the funding available, the nonprofit community-based organization shall have discretion to determine the assignment of case aides. The nonprofit community-based organization shall report all short-term support provided under this subsection to the department.

(b) Subject to funding appropriated specifically for this purpose, the Washington state institute for public policy shall prepare an outcome evaluation of the short-term support described in this subsection. The evaluation will, to the maximum extent possible, assess the impact of the short-term support services described in this subsection on the retention of foster homes and the number of placements a foster child receives while in out-of-home care as well as the return on investment to the state. The institute shall submit a preliminary report to the appropriate committees of the legislature and the governor by December 1, 2018, that describes the initial implementation of these services and descriptive statistics of the families utilizing these services. A final report shall be submitted to the appropriate committees of the legislature by June 30, ~~((2020))~~ 2021. At no cost to the institute, the department shall provide all data necessary to discharge this duty.

(c) Costs associated with case aides as described in this subsection shall not be included in the forecast.

(d) Pursuant to RCW 41.06.142(3), performance-based contracting under (a) of this subsection is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5)."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Lovelett moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5955.

Senator Lovelett spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Lovelett that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5955.

The motion by Senator Lovelett carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5955 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5955, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5955, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet,

Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Padden

Excused: Senator Salomon

SUBSTITUTE SENATE BILL NO. 5955, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5258,
SENATE BILL NO. 5360,
SUBSTITUTE SENATE BILL NO. 5380,
SECOND SUBSTITUTE SENATE BILL NO. 5602,
SECOND SUBSTITUTE SENATE BILL NO. 5604,
SENATE BILL NO. 5605,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5741,
SUBSTITUTE SENATE BILL NO. 5748,
SECOND SUBSTITUTE SENATE BILL NO. 5800,
SUBSTITUTE SENATE BILL NO. 5815,
SENATE BILL NO. 5817,
SECOND SUBSTITUTE SENATE BILL NO. 5846,
and SUBSTITUTE SENATE BILL NO. 5861.

REPORT OF THE CONFERENCE COMMITTEE

Substitute House Bill No. 1170
April 26, 2019

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Substitute House Bill No. 1170, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.960 and 2015 c 181 s 2 are each reenacted and amended to read as follows:

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

(1) "All risk resources" means those resources regularly provided by fire departments, fire districts, and regional fire protection service authorities required to respond to natural or man-made incidents, including but not limited to:

- (a) Wild land fires;
- (b) Landslides;
- (c) Earthquakes;
- (d) Floods; and
- (e) Contagious diseases.

(2) "Chief" means the chief of the Washington state patrol.

(3) "Fire chief" includes the chief officer of a statutorily authorized fire agency, or the fire chief's authorized representative. Also included are the department of natural resources fire control chief, and the department of natural resources regional managers.

(4) "Jurisdiction" means state, county, city, fire district, regional fire protection service authority, or port district units, or other units covered by this chapter.

(5) "Mobilization" means that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities beyond those available through existing agreements will be requested and, when available, sent in response to an emergency or disaster situation that has exceeded the capabilities of available local resources. During a large scale emergency, mobilization includes the redistribution of regional or statewide risk resources to either direct emergency incident assignments or to assignment in communities where resources are needed. ~~((Fire department))~~ All risk resources may not be mobilized to assist law enforcement with police activities during a civil protest or demonstration, or other exercise by the people of their constitutionally protected First Amendment rights, or other protected concerted activity, however, fire departments, fire districts, and regional fire protection service authorities are not restricted from providing medical care or aid and firefighting when mobilized for any purpose.

When mobilization is declared and authorized as provided in this chapter, all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities including those of the host fire protection authorities, i.e. incident jurisdiction, shall be deemed as mobilized under this chapter, including those that responded earlier under existing mutual aid or other agreement. All nonhost fire protection authorities providing resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter from the time of the mobilization declaration.

This chapter shall not reduce or suspend the authority or responsibility of the department of natural resources under chapter 76.04 RCW.

(6) "Mutual aid" means emergency interagency assistance provided without compensation under an agreement between jurisdictions under chapter 39.34 RCW.

(7) "State fire marshal" means the director of fire protection in the Washington state patrol.

Sec. 2. 2015 c 181 s 5 (uncodified) is repealed.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019."

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "fire service mobilization; reenacting and amending RCW 43.43.960; repealing 2015 c 181 s 5 (uncodified); providing an effective date; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Hasegawa, Hunt and Zeiger; Representatives Goodman, Griffey and Springer.

MOTION

Senator Hunt moved that the Report of the Conference Committee on Substitute House Bill No. 1170 be adopted.

Senators Hunt, Zeiger and Padden spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Report of the Conference Committee on Substitute House Bill No. 1170 be adopted.

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The motion by Senator Hunt carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1170, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1170, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Van De Wege

Excused: Senator Salomon

SUBSTITUTE HOUSE BILL NO. 1170, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:00 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

EVENING SESSION

The Senate was called to order at 6:02 p.m. by President Habib.

MESSAGE FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5526 and has passed the bill as recommended by the Conference Committee.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute Senate Bill No. 5526

April 27, 2019

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5526, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

And the bill do pass as recommended by the conference committee.

Signed by Senators Cleveland and Frockt; Representatives Cody and Macri.

MOTION

Senator Frockt moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5526 be adopted.

Senators Frockt, Cleveland and Keiser spoke in favor of passage of the motion.

Senators O'Ban and Becker spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Frockt that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5526 be adopted.

The motion by Senator Frockt carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5526, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5526, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Salomon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5526, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5668,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107, by House Committee on Finance (originally sponsored by Slatter, Ryu, Macri, Wylie, Bergquist and Santos)

Concerning nonprofit homeownership development.

The measure was read the second time.

MOTION

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

Senator Kuderer spoke in favor of passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1107 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Hasegawa, Padden and Schoesler

Excused: Senator Salomon

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1652, by House Committee on Environment & Energy (originally sponsored by Peterson, DeBolt, Goodman, Fitzgibbon, Appleton, Ortiz-Self, Hudgins, Orwall, Jinkins, Sells, Tharinger, Kloba, Senn, Pollet, Stanford, Bergquist and Macri)

Concerning paint stewardship.

The measure was read the second time.

MOTION

On motion of Senator Carlyle, the rules were suspended, Substitute House Bill No. 1652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carlyle spoke in favor of passage of the bill.

Senator Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1652.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1652 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Saldaña, Takko, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, King, O'Ban, Padden, Rivers, Rolfes, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Salomon

SUBSTITUTE HOUSE BILL NO. 1652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1839, by House Committee on Finance (originally sponsored by Sullivan, MacEwen, Pettigrew, Springer, Vick and Valdez)

Requiring eligible arena projects to fully pay the state and local sales tax within ten years of commencing construction.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2019 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals and to accomplish a general purpose as indicated in RCW 82.32.808(2) (e) and (f).

(3) It is the legislature's specific public policy objective to increase the fiscal stability of multipurpose sports and entertainment arenas in Washington state and thereby strengthen the economic vitality of the communities in which the arenas and practice facilities are located.

(4) To measure the effectiveness of the tax preference in achieving the specific public policy objective described in this act, the joint legislative audit and review committee must evaluate this tax preference. In evaluating the tax preference, the joint legislative audit and review committee may refer to data provided to the department of revenue.

NEW SECTION. Sec. 2. A new section is added to chapter 82.32 RCW to read as follows:

(1) Until October 1, 2019, a qualifying business may apply for a deferral of taxes on an eligible project. Application must be made to the department in a form and manner prescribed by the department. The application must contain information regarding the location of the project, estimated or actual costs of the project, time schedules for completion and operation of the project, and

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other information required by the department. The department must rule on the application within sixty days.

(2) If the department approves an application for a deferral of taxes under this section, the department must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, 82.14, and 81.104 RCW. This certificate expires on the date the eligible project becomes operationally complete. The certificate may only be used for sales and use tax liability incurred after the date the department issued the certificate.

(3) A recipient of a certificate must notify the department when its eligible project is operationally complete. The department must review the qualifying business's records after the eligible project is operationally complete to ensure the correct amount of taxes has been reported and will be repaid.

(4)(a) For local sales and use taxes, the recipient of the certificate must begin paying deferred sales and use taxes in the first calendar year after the date certified by the department as the date on which the eligible project is operationally complete. The first payment is due on January 1st of the first calendar year after such certified date, with subsequent annual payments due on January 1st of the following seven years. Each payment must equal twelve and one-half percent of the tax due plus interest.

(b) For state sales and use taxes, the recipient of the certificate must repay all deferred state sales and use taxes by June 30, 2023.

(c) The department must assess interest, but not penalties, on the deferred taxes. The interest must be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the project was certified to be operationally complete, and will accrue until the deferred taxes are repaid.

(5) The department may authorize an accelerated repayment schedule upon request of the qualifying business.

(6) The debt for taxes due is not extinguished by insolvency or other failure of the qualifying business. Transfer of ownership does not terminate the deferral if the transferee agrees in writing to be bound by the requirements of this section and receives approval from the department. If the department approves the transfer of the deferral to a transferee, such approval not to be unreasonably withheld, conditioned, or delayed, the transferee is solely liable for repayment of the deferred taxes.

(7) If the eligible project is not operationally complete within three calendar years from the date that the department issued the certificate for the project, or if at any time the department finds that the project is not eligible for a deferral under this section, the amount of taxes outstanding for the project is immediately due and payable. If taxes must be repaid under this subsection, the department must assess interest at the rate provided for delinquent taxes under this chapter retroactively to the date of issuance of the certificate, but not penalties, on amounts due under this subsection.

(8) Applications and any other information received by the department under this section are not confidential under RCW 82.32.330. This chapter applies to the administration of this section.

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

(a) "Eligible project" means a project consisting of either or both (i) a qualifying arena, associated parking structures, plazas, public spaces, and one or more tunnels connecting the arena and parking structures, or (ii) an ice hockey practice facility.

(b) "Ice hockey practice facility" means one or more contiguous structures of up to two hundred thousand square feet located within ten miles of a qualifying arena that (i) contains at least three ice rinks, and (ii) is being developed to attract a professional ice hockey franchise. An "ice hockey practice

facility" may include ice rinks, spectator viewing locations, locker rooms, strength and conditioning rooms, administrative offices, retail space, food service facilities, and other amenities related to the operation of a state-of-the-art ice hockey center.

(c) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(d) "Personal property" means tangible personal property with a useful life of one year or more that is used in the operation of the eligible project.

(e) "Project" means the construction of new improvements, the renovation of existing improvements, the acquisition and installation of fixtures that are permanently affixed to and become a physical part of those improvements, personal property, and site preparation. "Project" includes materials used and labor and services rendered in respect to the planning, site preparation, construction, renovation, and installation.

(f) "Qualifying arena" means a multipurpose sports and entertainment facility owned by the largest city in a county with a population of at least one million five hundred thousand that is being redeveloped to attract professional ice hockey and basketball league franchises.

(g) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and has entered into a lease or occupancy agreement with the fee owner of a qualifying arena and/or ice hockey practice facility to engage in the development of an eligible project.

(h) "Site preparation" includes soil testing, site clearing and grading, demolition, or any other related activities that are initiated before construction.

(10) This section expires January 1, 2030.

NEW SECTION. **Sec. 3.** A new section is added to chapter 82.32 RCW to read as follows:

(1) The state treasurer must deposit the repayment of deferred state sales and use taxes due under section 2 of this act into the general fund.

(2) The state treasurer must deposit the repayment of deferred local sales and use taxes due under section 2 of this act into the local sales and use tax account created in RCW 82.14.050.

(3) The state treasurer must deposit any interest assessed and accrued on taxes due pursuant to section 2(4) of this act that is part of any annual repayment as follows:

(a) Interest on state taxes must be deposited into the state general fund.

(b) Interest on local taxes must be deposited into the local sales and use tax account.

(4) In the event that an accelerated repayment schedule is authorized by the department pursuant to section 2(5) of this act, the state treasurer must deposit any amount in excess of taxes due pursuant to section 2(4) of this act into the state general fund and into the local sales and use account, with the respective amounts deposited based on the proportionate shares of the state taxes and local taxes due.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "construction;" strike the remainder of the title and insert "adding new sections to chapter 82.32 RCW; creating a new section; providing an expiration date; and declaring an emergency."

MOTION

Senator Carlyle moved that the following amendment no. 823 by Senator Carlyle be adopted:

On page 4, line 23, after "(2)" strike "The" and insert "(a) Except as provided in (b) of this subsection (2), the"

On page 4, line 23, after "deposit" insert "half of"

On page 4, after line 25, insert the following:

"(b) The state treasurer must deposit the remaining half of the repayment of deferred local sales and use taxes due under section 2 of this act into the state building construction account for the exclusive purpose of funding the construction or rehabilitation of capital facilities used for youth educational programming related to discovery, experimentation, and critical thinking in the sciences. The capital facility must be located on the same premises as a qualifying arena."

Correct any internal references accordingly.

Senators Carlyle, Rolfes, Frockt, Braun and Conway spoke in favor of adoption of the amendment to the committee striking amendment.

Senator King spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 823 by Senator Carlyle on page 4, line 23 to the committee striking amendment.

The motion by Senator Carlyle carried and amendment no. 823 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 1839.

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

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute House Bill No. 1839 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Carlyle and Wagoner spoke in favor of passage of the bill.

Senators Ericksen, Sheldon and Hasegawa spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1839 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1839 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, O'Ban, Palumbo, Rivers, Rolfes, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Voting nay: Senators Hasegawa, Honeyford, Lovelett, Nguyen, Padden, Pedersen, Randall, Saldaña, Sheldon and Wilson, C.

Excused: Senator Salomon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1839, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1301, by Representatives Kirby, Fey, Jinkins, Kilduff, Morgan, Leavitt and Wylie

Exempting certain leasehold interests in arenas with a seating capacity of more than two thousand from the leasehold excise tax.

The measure was read the second time.

MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 1301 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Schoesler spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1301.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1301 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford, Lovelett, Schoesler and Sheldon

Excused: Senator Salomon

HOUSE BILL NO. 1301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:52 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

LATE EVENING SESSION

The Senate was called to order at 11:59 p.m. by President Habib.

MOTION

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

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MR. PRESIDENT:
The Speaker has signed:

SENATE BILL NO. 5359,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5444,
ENGROSSED SENATE BILL NO. 5453,
ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5497,
SENATE BILL NO. 5505,
SENATE BILL NO. 5506,
SECOND SUBSTITUTE SENATE BILL NO. 5511,
SENATE BILL NO. 5551,
SUBSTITUTE SENATE BILL NO. 5560,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5600,
SUBSTITUTE SENATE BILL NO. 5734,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 27, 2019

MR. PRESIDENT:
The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5082,
ENGROSSED SENATE BILL NO. 5274,
SUBSTITUTE SENATE BILL NO. 5652,
SECOND SUBSTITUTE SENATE BILL NO. 5672,
SUBSTITUTE SENATE BILL NO. 5714,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 27, 2019

MR. PRESIDENT:
The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1139,
HOUSE BILL NO. 1385,
SUBSTITUTE HOUSE BILL NO. 1436,
HOUSE BILL NO. 1499,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696,
SECOND SUBSTITUTE HOUSE BILL NO. 1893,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015,
SUBSTITUTE HOUSE BILL NO. 2024,
HOUSE BILL NO. 2035,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

April 27, 2019

MR. PRESIDENT:
The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5258,
SENATE BILL NO. 5360,
SUBSTITUTE SENATE BILL NO. 5380,
SECOND SUBSTITUTE SENATE BILL NO. 5602,
SECOND SUBSTITUTE SENATE BILL NO. 5604,
SENATE BILL NO. 5605,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5741,
SUBSTITUTE SENATE BILL NO. 5748,
SECOND SUBSTITUTE SENATE BILL NO. 5800,
SUBSTITUTE SENATE BILL NO. 5815,
SENATE BILL NO. 5817,
SECOND SUBSTITUTE SENATE BILL NO. 5846,

MESSAGE FROM THE HOUSE

April 26, 2019

MR. PRESIDENT:
The House refuses to concur in the Senate amendment(s) to
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1768 and asks
the Senate to recede therefrom.
and the same are herewith transmitted.
BERNARD DEAN, Chief Clerk

MOTION

Senator Dhingra moved that the Senate recede from its position
on the Senate amendments to Engrossed Substitute House Bill
No. 1768.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be
motion by Senator Dhingra that the Senate recede from its
position on the Senate amendments to Engrossed Substitute
House Bill No. 1768.

The motion by Senator Dhingra carried and the Senate receded
from its amendments to Engrossed Substitute House Bill No.
1768.

MOTION

On motion of Senator Dhingra, the rules were suspended and
Engrossed Substitute House Bill No. 1768 was returned to second
reading for the purposes of amendment.

MOTION

Senator Dhingra moved that the following striking
amendment no. 828 by Senator Dhingra be adopted:

Strike everything after the enacting clause and insert the
following:

"Sec. 1. RCW 18.205.010 and 1998 c 243 s 1 are each
amended to read as follows:

The legislature recognizes (~~chemical dependency~~) substance
use disorder professionals as discrete health professionals.
(~~Chemical dependency~~) Substance use disorder professional
certification serves the public interest.

Sec. 2. RCW 18.205.020 and 2008 c 135 s 15 are each
amended to read as follows:

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

(1) "Certification" means a voluntary process recognizing an
individual who qualifies by examination and meets established
educational prerequisites, and which protects the title of practice.

(2) (~~"Certified chemical dependency professional" means an
individual certified in chemical dependency counseling, under
this chapter.~~

(3) ~~"Certified chemical dependency professional trainee"
means an individual working toward the education and
experience requirements for certification as a chemical
dependency professional.~~

(4) "Chemical dependency counseling" means employing the
core competencies of chemical dependency counseling to assist
or attempt to assist an alcohol or drug addicted person to develop

~~and maintain abstinence from alcohol and other mood altering drugs.~~

~~((5))~~ (5) "Committee" means the ~~((chemical dependency))~~ substance use disorder professional certification advisory committee established under this chapter.

~~((6))~~ (3) "Core competencies of ~~((chemical dependency))~~ substance use disorder counseling" means competency in the nationally recognized knowledge, skills, and attitudes of professional practice, including assessment and diagnosis of ~~((chemical dependency))~~ substance use disorders, ~~((chemical dependency))~~ substance use disorder treatment planning and referral, patient and family education in the disease of ~~((chemical dependency))~~ substance use disorders, individual and group counseling ~~((with alcoholic and drug addicted individuals))~~, relapse prevention counseling, and case management, all oriented to assist ~~((alcoholic and drug addicted patients to achieve and maintain abstinence from mood altering substances and develop independent support systems))~~ individuals with substance use disorder in their recovery.

~~((7))~~ (4) "Department" means the department of health.

~~((8))~~ (5) "Health profession" means a profession providing health services regulated under the laws of this state.

~~((9))~~ (6) "Recovery" means a process of change through which individuals improve their health and wellness, live self-directed lives, and strive to reach their full potential. Recovery often involves achieving remission from active substance use disorder.

(7) "Secretary" means the secretary of health or the secretary's designee.

(8) "Substance use disorder counseling" means employing the core competencies of substance use disorder counseling to assist or attempt to assist individuals with substance use disorder in their recovery.

(9) "Substance use disorder professional" means an individual certified in substance use disorder counseling under this chapter.

(10) "Substance use disorder professional trainee" means an individual working toward the education and experience requirements for certification as a substance use disorder professional.

(11) "Co-occurring disorder specialist" means an individual possessing an enhancement that certifies the individual to provide substance use disorder counseling subject to the practice limitations under section 25 of this act.

(12) "Agency" means (a) a community behavioral health agency or facility operated, licensed, or certified by the state of Washington; (b) a federally recognized Indian tribe located within the state; (c) a county; (d) a federally qualified health center; or (e) a hospital.

(13) "Counseling" means employing any therapeutic techniques including, but not limited to, social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee, that offer, assist, or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

Sec. 3. RCW 18.205.030 and 2008 c 135 s 16 are each amended to read as follows:

No person may represent oneself as a certified ~~((chemical dependency))~~ substance use disorder professional ~~((or))~~, certified ~~((chemical dependency))~~ substance use disorder professional trainee, or co-occurring disorder specialist or use any title or description of services of a certified ~~((chemical dependency))~~

substance use disorder professional ~~((or))~~, certified ~~((chemical dependency))~~ substance use disorder professional trainee, or co-occurring disorder specialist without applying for certification, meeting the required qualifications, and being certified by the department of health, unless otherwise exempted by this chapter.

Sec. 4. RCW 18.205.080 and 2018 c 201 s 9007 are each amended to read as follows:

(1) The secretary shall appoint a ~~((chemical dependency))~~ substance use disorder certification advisory committee to further the purposes of this chapter. The committee shall be composed of seven members, one member initially appointed for a term of one year, three for a term of two years, and three for a term of three years. Subsequent appointments shall be for terms of three years. No person may serve as a member of the committee for more than two consecutive terms. Members of the committee shall be residents of this state. The committee shall be composed of four certified ~~((chemical dependency))~~ substance use disorder professionals; one ~~((chemical dependency))~~ substance use disorder treatment program director; one physician licensed under chapter 18.71 or 18.57 RCW who is certified in addiction medicine or a licensed or certified mental health practitioner; and one member of the public who has received ~~((chemical dependency))~~ substance use disorder counseling.

(2) The secretary may remove any member of the committee for cause as specified by rule. In the case of a vacancy, the secretary shall appoint a person to serve for the remainder of the unexpired term.

(3) The committee shall meet at the times and places designated by the secretary and shall hold meetings during the year as necessary to provide advice to the director. The committee may elect a chair and a vice chair. A majority of the members currently serving shall constitute a quorum.

(4) Each member of the committee shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committee shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the committee.

(5) The director of the health care authority, or his or her designee, shall serve as an ex officio member of the committee.

(6) The secretary, members of the committee, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Sec. 5. RCW 18.205.090 and 2001 c 251 s 30 are each amended to read as follows:

(1) The secretary shall issue a certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of an educational program approved by the secretary or successful completion of alternate training that meets established criteria;

(b) Successful completion of an approved examination, based on core competencies of ~~((chemical dependency))~~ substance use disorder counseling; and

(c) Successful completion of an experience requirement that establishes fewer hours of experience for applicants with higher levels of relevant education. In meeting any experience requirement established under this subsection, the secretary may not require more than one thousand five hundred hours of experience in ~~((chemical dependency))~~ substance use disorder counseling for applicants who are licensed under chapter 18.83 RCW or under chapter 18.79 RCW as advanced registered nurse practitioners.

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(2) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

(3) Applicants are subject to the grounds for denial of a certificate or issuance of a conditional certificate under chapter 18.130 RCW.

(4) Certified (~~chemical dependency~~) substance use disorder professionals shall not be required to be registered under chapter 18.19 RCW or licensed under chapter 18.225 RCW.

(5) As of the effective date of this section, a person certified under this chapter holding the title of chemical dependency professional is considered to hold the title of substance use disorder professional until such time as the person's present certification expires or is renewed.

Sec. 6. RCW 18.205.095 and 2008 c 135 s 18 are each amended to read as follows:

(1) The secretary shall issue a trainee certificate to any applicant who demonstrates to the satisfaction of the secretary that he or she is working toward the education and experience requirements in RCW 18.205.090.

(2) A trainee certified under this section shall submit to the secretary for approval a declaration, in accordance with rules adopted by the department, that he or she is enrolled in an approved education program and actively pursuing the experience requirements in RCW 18.205.090. This declaration must be updated with the trainee's annual renewal.

(3) A trainee certified under this section may practice only under the supervision of a certified (~~chemical dependency~~) substance use disorder professional. The first fifty hours of any face-to-face client contact must be under direct observation. All remaining experience must be under supervision in accordance with rules adopted by the department.

(4) A certified (~~chemical dependency~~) substance use disorder professional trainee provides (~~chemical dependency~~) substance use disorder assessments, counseling, and case management with a state regulated agency and can provide clinical services to patients consistent with his or her education, training, and experience as approved by his or her supervisor.

(5) A trainee certification may only be renewed four times.

(6) Applicants are subject to denial of a certificate or issuance of a conditional certificate for the reasons set forth in chapter 18.130 RCW.

(7) As of the effective date of this section, a person certified under this chapter holding the title of chemical dependency professional trainee is considered to hold the title of substance use disorder professional trainee until such time as the person's present certification expires or is renewed.

Sec. 7. RCW 18.205.100 and 2000 c 171 s 42 are each amended to read as follows:

The secretary may establish by rule the standards and procedures for approval of educational programs and alternative training. The requirements for who may provide approved supervision towards training must be the same for all applicants in the regular or alternative training pathways. The requirements for who may provide approved supervision towards training must allow approved supervision to be provided by a person who meets or exceeds the requirements of a certified substance use disorder professional in the state of Washington and who would be eligible to take the examination required for certification. The secretary may utilize or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations. The secretary shall establish by rule the standards and procedures for revocation of approval of educational programs. The standards and procedures set shall apply equally to educational programs and training in the United States and in

foreign jurisdictions. The secretary may establish a fee for educational program evaluations.

Sec. 8. RCW 10.77.079 and 2015 1st sp.s. c 7 s 9 are each amended to read as follows:

(1) If 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~~) substance use disorder professional, co-occurring disorder specialist, 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 violent offense or sex offense as defined in RCW 9.94A.030, or a violation of RCW 9A.36.031(1) (d), (f), or (h).

Sec. 9. RCW 13.40.020 and 2018 c 82 s 3 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond;
- (e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or ((chemical dependency)) substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less restrictive treatment options and medical necessity.
 - (i) A court may order residential treatment after consideration and findings regarding whether:
 - (A) The referral is necessary to rehabilitate the child;
 - (B) The referral is necessary to protect the public or the child;
 - (C) The referral is in the child's best interest;
 - (D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and
 - (E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.
 - (ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than sixty days after the youth begins inpatient treatment, and every thirty days thereafter, as long as the youth is in inpatient treatment;
- (6) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;
- (7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);
- (8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:
 - (a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or
 - (b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;
- (9) "Department" means the department of children, youth, and families;
- (10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;
- (11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board,

youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(12) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(17) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(18) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(20) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(21) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(22) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not

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involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(23) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(24) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(25) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(26) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(27) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(28) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(29) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(30) "Secretary" means the secretary of the department;

(31) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(32) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(33) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(34) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate,

property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(35) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(36) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(37) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(38) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 10. RCW 13.40.042 and 2014 c 128 s 4 are each amended to read as follows:

(1) When a police officer has reasonable cause to believe that a juvenile has committed acts constituting a nonfelony crime that is not a serious offense as identified in RCW 10.77.092, and the officer believes that the juvenile suffers from a mental disorder, and the local prosecutor has entered into an agreement with law enforcement regarding the detention of juveniles who may have a mental disorder or may be suffering from chemical dependency, the arresting officer, instead of taking the juvenile to the local juvenile detention facility, may take the juvenile to:

(a) An evaluation and treatment facility as defined in RCW 71.34.020 if the juvenile suffers from a mental disorder and the facility has been identified as an alternative location by agreement of the prosecutor, law enforcement, and the mental health provider;

(b) A facility or program identified by agreement of the prosecutor and law enforcement; or

(c) A location already identified and in use by law enforcement for the purpose of a behavioral health diversion.

(2) For the purposes of this section, an "alternative location" means a facility or program that has the capacity to evaluate a youth and, if determined to be appropriate, develop a behavioral health intervention plan and initiate treatment.

(3) If a juvenile is taken to any location described in subsection (1)(a) or (b) of this section, the juvenile may be held for up to twelve hours and must be examined by a mental health or (~~chemical dependency~~) substance use disorder professional within three hours of arrival.

(4) The authority provided pursuant to this section is in addition to existing authority under RCW 10.31.110 and 10.31.120.

Sec. 11. RCW 18.130.040 and 2017 c 336 s 18 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

- (v) Dental hygienists licensed under chapter 18.29 RCW;
 - (vi) East Asian medicine practitioners licensed under chapter 18.06 RCW;
 - (vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
 - (viii) Respiratory care practitioners licensed under chapter 18.89 RCW;
 - (ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;
 - (x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;
 - (xi) Persons registered as nursing pool operators under chapter 18.52C RCW;
 - (xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;
 - (xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;
 - (xiv) ~~((Chemical dependency)) Substance use disorder professionals ((and chemical dependency)), substance use disorder professional trainees, or co-occurring disorder specialists~~ certified under chapter 18.205 RCW;
 - (xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
 - (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
 - (xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;
 - (xviii) Surgical technologists registered under chapter 18.215 RCW;
 - (xix) Recreational therapists under chapter 18.230 RCW;
 - (xx) Animal massage therapists certified under chapter 18.240 RCW;
 - (xxi) Athletic trainers licensed under chapter 18.250 RCW;
 - (xxii) Home care aides certified under chapter 18.88B RCW;
 - (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
 - (xxiv) Reflexologists certified under chapter 18.108 RCW;
 - (xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; and
 - (xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW.
- (b) The boards and commissions having authority under this chapter are as follows:
- (i) The podiatric medical board as established in chapter 18.22 RCW;
 - (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
 - (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;
 - (iv) The board of hearing and speech as established in chapter 18.35 RCW;
 - (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
 - (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

- (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
- (ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- (x) The board of physical therapy as established in chapter 18.74 RCW;
- (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;
- (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;
- (xiv) The veterinary board of governors as established in chapter 18.92 RCW;
- (xv) The board of naturopathy established in chapter 18.36A RCW; and
- (xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

Sec. 12. RCW 43.70.442 and 2016 c 90 s 5 are each amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

- (i) An adviser or counselor certified under chapter 18.19 RCW;
- (ii) A ~~((chemical dependency))~~ substance use disorder professional licensed under chapter 18.205 RCW;
- (iii) A marriage and family therapist licensed under chapter 18.225 RCW;
- (iv) A mental health counselor licensed under chapter 18.225 RCW;
- (v) An occupational therapy practitioner licensed under chapter 18.59 RCW;
- (vi) A psychologist licensed under chapter 18.83 RCW;
- (vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and
- (viii) A social worker associate—advanced or social worker associate—independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection

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(6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection, a professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(b) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) An osteopathic physician assistant licensed under chapter 18.57A RCW;

(vi) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vii) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(viii) A physician assistant licensed under chapter 18.71A RCW;

(ix) A pharmacist licensed under chapter 18.64 RCW; and

(x) A person holding a retired active license for one of the professions listed in (a)(i) through (ix) of this subsection.

(b)(i) A professional listed in (a)(i) through (viii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (viii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists include content related to the assessment of issues related to imminent harm via lethal means. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

Sec. 13. RCW 43.70.442 and 2017 c 262 s 4 are each amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A ~~((chemical dependency))~~ substance use disorder professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate—independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection, a professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(b) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) An osteopathic physician assistant licensed under chapter 18.57A RCW;

(vi) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vii) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(viii) A physician assistant licensed under chapter 18.71A RCW;

(ix) A pharmacist licensed under chapter 18.64 RCW;

(x) A dentist licensed under chapter 18.32 RCW;

(xi) A dental hygienist licensed under chapter 18.29 RCW; and

(xii) A person holding a retired active license for one of the professions listed in (a)(i) through (xi) of this subsection.

(b)(i) A professional listed in (a)(i) through (viii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (viii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

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(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2020, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW

28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

Sec. 14. RCW 70.97.010 and 2016 sp.s. c 29 s 419 are each amended to read as follows:

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

(1) "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.

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

(3) "Chemical dependency" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter 71.05 RCW.

~~(4) ("Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.~~

~~(5))~~ "Commitment" means the determination by a court that an individual should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

~~((6))~~ (5) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.

~~((7))~~ (6) "Custody" means involuntary detention under chapter 71.05 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

~~((8))~~ (7) "Department" means the department of social and health services.

~~((9))~~ (8) "Designated crisis responder" has the same meaning as in chapter 71.05 RCW.

~~((10))~~ (9) "Detention" or "detain" means the lawful confinement of an individual under chapter 71.05 RCW.

~~((11))~~ (10) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

~~((12))~~ (11) "Enhanced services facility" means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.

~~((13))~~ (12) "Expanded community services program" means a nonsecure program of enhanced behavioral and residential support provided to long-term and residential care providers serving specifically eligible clients who would otherwise be at risk for hospitalization at state hospital geriatric units.

~~((14))~~ (13) "Facility" means an enhanced services facility.

~~((15))~~ (14) "Gravely disabled" means a condition in which an individual, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(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.

~~((16))~~ (15) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter or chapter 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

~~((17))~~ (16) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((18))~~ (17) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by an individual 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 an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

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

~~((19))~~ (18) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

~~((20))~~ (19) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

~~((21))~~ (20) "Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

~~((22))~~ (21) "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.

~~((23))~~ (22) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

~~((24))~~ (23) "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 individuals who are receiving or who at any time have received services for mental illness.

~~((25))~~ (24) "Release" means legal termination of the commitment under chapter 71.05 RCW.

~~((26))~~ (25) "Resident" means a person admitted to an enhanced services facility.

~~((27))~~ (26) "Secretary" means the secretary of the department or the secretary's designee.

~~((28))~~ (27) "Significant change" means:

(a) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(b) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for release or for treatment in a less intensive or less secure setting.

~~((29))~~ (28) "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.

(29) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(30) "Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to persons with mental disorders, chemical dependency disorders, or both, and their families.

(31) "Treatment records" include registration and all other records concerning individuals 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" do not include notes or records maintained for personal use by an individual providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

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

Sec. 15. RCW 70.97.030 and 2005 c 504 s 405 are each amended to read as follows:

A person, eighteen years old or older, may be admitted to an enhanced services facility if he or she meets the criteria in subsections (1) through (3) of this section:

(1) The person requires: (a) Daily care by or under the supervision of a mental health professional, (~~chemical~~

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~~dependency~~) ~~substance use disorder~~ professional, or nurse; or (b) assistance with three or more activities of daily living; and

(2) The person has: (a) A mental disorder, chemical dependency disorder, or both; (b) an organic or traumatic brain injury; or (c) a cognitive impairment that results in symptoms or behaviors requiring supervision and facility services; ~~(and~~ ~~was not found~~) and

(3) The person has two or more of the following:

(a) Self-endangering behaviors that are frequent or difficult to manage;

(b) Aggressive, threatening, or assaultive behaviors that create a risk to the health or safety of other residents or staff, or a significant risk to property and these behaviors are frequent or difficult to manage;

(c) Intrusive behaviors that put residents or staff at risk;

(d) Complex medication needs and those needs include psychotropic medications;

(e) A history of or likelihood of unsuccessful placements in either a licensed facility or other state facility or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or security needs;

(f) A history of frequent or protracted mental health hospitalizations;

(g) A history of offenses against a person or felony offenses that created substantial damage to property.

Sec. 16. RCW 71.05.020 and 2018 c 305 s 1, 2018 c 291 s 1, and 2018 c 201 s 3001 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, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(3) "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;

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

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

(6) "Authority" means the Washington state health care authority;

(7) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

~~(8) ("Chemical dependency professional" means a person certified as a chemical dependency professional by the department under chapter 18.205 RCW;~~

~~(9))~~ "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;

~~((10))~~ (9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

~~((11))~~ (10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department 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;

~~((12))~~ (11) "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;

~~((13))~~ (12) "Department" means the department of health;

~~((14))~~ (13) "Designated crisis responder" means a mental health professional appointed by the county, an entity appointed by the county, or the behavioral health organization to perform the duties specified in this chapter;

~~((15))~~ (14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

~~((16))~~ (15) "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, physician assistant working with a supervising 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 of the department of social and health services;

~~((17))~~ (16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

~~((18))~~ (17) "Director" means the director of the authority;

~~((19))~~ (18) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

~~((20))~~ (19) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

~~((21))~~ (20) "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 licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. 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 of social and health services 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;

~~((22))~~ (21) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (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;

~~((23))~~ (22) "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;

~~((24))~~ (23) "Hearing" means any proceeding conducted in open court. For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video;

~~((25))~~ (24) "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, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

~~((26))~~ (25) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

~~((27))~~ (26) "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;

~~((28))~~ (27) "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;

~~((29))~~ (28) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

~~((30))~~ (29) "In need of assisted outpatient behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder: (a) Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, based on a history of nonadherence with treatment or in view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment 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;

~~((31))~~ (30) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((32))~~ (31) "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 and substance use disorder service providers under RCW 71.05.130;

~~((33))~~ (32) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

~~((34))~~ (33) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

~~((35))~~ (34) "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;

~~((36))~~ (35) "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 crisis responder;

~~((37))~~ (36) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((38))~~ (37) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, 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;

~~((39))~~ (38) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use 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 behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration

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under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

~~((40))~~ (39) "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;

~~((41))~~ (40) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

~~((42))~~ (41) "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, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

~~((43))~~ (42) "Professional person" means a mental health professional, ~~((chemical dependency))~~ substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, 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;

~~((44))~~ (43) "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;

~~((45))~~ (44) "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;

~~((46))~~ (45) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((47))~~ (46) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

~~((48))~~ (47) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((49))~~ (48) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((50))~~ (49) "Secretary" means the secretary of the department of health, or his or her designee;

~~((51))~~ (50) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified ~~((chemical dependency))~~ substance use disorder professionals or co-occurring disorder specialists;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified ~~((chemical dependency))~~ substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to

appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is licensed or certified as such by the department of health; ~~((52))~~ (51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

~~((53))~~ (52) "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;

~~((54))~~ (53) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(54) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(55) "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;

(56) "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 of social and health services, the department, the authority, 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 of social and health services, the department, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(57) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department 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 residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

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

(59) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under section 25 of this act.

Sec. 17. RCW 71.34.020 and 2018 c 201 s 5002 are each amended to read as follows:

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

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(2) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

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

(4) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

~~(5) ("Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.~~

~~(6))~~ "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

~~((7))~~ (6) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

~~((8))~~ (7) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

~~((9))~~ (8) "Department" means the department of social and health services.

~~((10))~~ (9) "Designated crisis responder" means a person designated by a behavioral health organization to perform the duties specified in this chapter.

~~((11))~~ (10) "Director" means the director of the authority.

~~((12))~~ (11) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((13))~~ (12) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

~~((14))~~ (13) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

~~((15))~~ (14) "Gravely disabled minor" means a minor who, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals, 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 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.

~~((16))~~ (15) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure detoxification facility for minors, or approved substance use disorder treatment program for minors.

~~((17))~~ (16) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

~~((18))~~ (17) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

~~((19))~~ (18) "Likelihood of serious harm" means either:

(a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual 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 (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

~~((20))~~ (19) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

~~((21))~~ (20) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

~~((22))~~ (21) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of the department of health under this chapter.

~~((23))~~ (22) "Minor" means any person under the age of eighteen years.

~~((24))~~ (23) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified service providers as identified by RCW 71.24.025.

~~((25))~~ (24) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

~~((26))~~ (25) "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, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental

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illness, substance use disorders, or both mental illness and substance use disorders.

((27)) (26) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

((28)) (27) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

((29)) (28) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

((30)) (29) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

((31)) (30) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

((32)) (31) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

((33)) (32) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

((34)) (33) "Secretary" means the secretary of the department or secretary's designee.

((35)) (34) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated minors:

(i) Evaluation and assessment, provided by certified ~~((chemical dependency))~~ substance use disorder professionals or co-occurring disorder specialists;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified ~~((chemical dependency))~~ substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the minor;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is licensed or certified as such by the department of health.

((36)) (35) "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.

((37)) (36) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

((38)) (37) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite

significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(38) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under section 25 of this act.

(39) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

Sec. 18. RCW 71.34.720 and 2018 c 201 s 5017 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a ~~((chemical dependency))~~ substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement; however a minor may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 19. RCW 71.34.720 and 2018 c 201 s 5018 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a ~~((chemical dependency))~~ substance use disorder professional or co-occurring disorder specialist, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment program or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 20. RCW 71.34.760 and 2018 c 201 s 5019 are each amended to read as follows:

(1) If a minor is committed for one hundred eighty-day inpatient treatment and is to be placed in a state-supported program, the director shall accept immediately and place the minor in a state-funded long-term evaluation and treatment facility or state-funded approved substance use disorder treatment program.

(2) The director's placement authority shall be exercised through a designated placement committee appointed by the director and composed of children's mental health specialists and ~~((chemical dependency))~~ substance use disorder professionals, including at least one child psychiatrist who represents the state-funded, long-term, evaluation and treatment facility for minors and one ~~((chemical dependency))~~ substance use disorder professional who represents the state-funded approved substance use disorder treatment program. The responsibility of the placement committee will be to:

(a) Make the long-term placement of the minor in the most appropriate, available state-funded evaluation and treatment facility or approved substance use disorder treatment program, having carefully considered factors including the treatment needs

of the minor, the most appropriate facility able to respond to the minor's identified treatment needs, the geographic proximity of the facility to the minor's family, the immediate availability of bed space, and the probable impact of the placement on other residents of the facility;

(b) Approve or deny requests from treatment facilities for transfer of a minor to another facility;

(c) Receive and monitor reports required under this section;

(d) Receive and monitor reports of all discharges.

(3) The director may authorize transfer of minors among treatment facilities if the transfer is in the best interests of the minor or due to treatment priorities.

(4) The responsible state-funded evaluation and treatment facility or approved substance use disorder treatment program shall submit a report to the authority's designated placement committee within ninety days of admission and no less than every one hundred eighty days thereafter, setting forth such facts as the authority requires, including the minor's individual treatment plan and progress, recommendations for future treatment, and possible less restrictive treatment.

Sec. 21. RCW 18.130.175 and 2006 c 99 s 7 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of substance abuse, the disciplining authority may refer the license holder to a voluntary substance abuse monitoring program approved by the disciplining authority.

The cost of the treatment shall be the responsibility of the license holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Primary alcoholism or other drug addiction treatment shall be provided by approved treatment programs under RCW 70.96A.020 or by any other provider approved by the entity or the commission. However, nothing shall prohibit the disciplining authority from approving additional services and programs as an adjunct to primary alcoholism or other drug addiction treatment. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the program shall be done only with the consent of the license holder. Referral to the program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the voluntary substance abuse monitoring program, determines the license holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the ~~((disciplinary disciplining disciplining was not found))~~ disciplining authority of a relapse or program violation on the part of a license holder in the substance abuse monitoring program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the ~~((disciplinary disciplining disciplining was not found))~~ disciplining authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving substance abuse monitoring programs that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority for substance abuse. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their

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participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The substance abuse program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved programs shall be confidential, shall be exempt from chapter 42.56 RCW, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplining authority for cause as defined in subsection (3) of this section. Monitoring records relating to license holders referred to the program by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, shall be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section shall be exempt from chapter 42.56 RCW and shall not be subject to discovery by subpoena except by the license holder.

(5) "Substance abuse," as used in this section, means the impairment, as determined by the disciplining authority, of a license holder's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(6) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(7) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this section and the persons entitled to immunity shall include:

- (i) An approved monitoring treatment program;
- (ii) The professional association operating the program;
- (iii) Members, employees, or agents of the program or association;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the impaired license holder's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on clients and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

(8) In the case of a person who is applying to be a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, if the person is:

(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in the voluntary substance abuse monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or

(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the substance abuse monitoring program.

Sec. 22. RCW 43.43.842 and 2014 c 88 s 1 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active protective order under RCW 74.34.130, nor have been: (i) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through (g) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from a mental health disorder.

(4) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

NEW SECTION. Sec. 23. A new section is added to chapter 18.205 RCW to read as follows:

The department may not automatically deny an applicant for certification under this chapter for a position as a substance use disorder professional or substance use disorder professional trainee based on a conviction history consisting of convictions for simple assault, assault in the fourth degree, prostitution, theft in the third degree, theft in the second degree, or forgery, the same offenses as they may be renamed, or substantially equivalent offenses committed in other states or jurisdictions if:

(1) At least one year has passed between the applicant's most recent conviction for an offense set forth in this section and the date of application for employment;

(2) The offense was committed as a result of the person's substance use or untreated mental health symptoms; and

(3) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from mental health challenges.

Sec. 24. RCW 18.130.055 and 2016 c 81 s 12 are each amended to read as follows:

(1) The disciplining authority may deny an application for licensure or grant a license with conditions if the applicant:

(a) Has had his or her license to practice any health care profession suspended, revoked, or restricted, by competent authority in any state, federal, or foreign jurisdiction;

(b) Has committed any act defined as unprofessional conduct for a license holder under RCW 18.130.180, except as provided in RCW 9.97.020;

(c) Has been convicted or is subject to current prosecution or pending charges of a crime involving moral turpitude or a crime

identified in RCW 43.43.830, except as provided in RCW 9.97.020 and section 23 of this act. For purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the prosecution or sentence has been deferred or suspended. At the request of an applicant for an original license whose conviction is under appeal, the disciplining authority may defer decision upon the application during the pendency of such a prosecution or appeal;

(d) Fails to prove that he or she is qualified in accordance with the provisions of this chapter, the chapters identified in RCW 18.130.040(2), or the rules adopted by the disciplining authority; or

(e) Is not able to practice with reasonable skill and safety to consumers by reason of any mental or physical condition.

(i) The disciplining authority may require the applicant, at his or her own expense, to submit to a mental, physical, or psychological examination by one or more licensed health professionals designated by the disciplining authority. The disciplining authority shall provide written notice of its requirement for a mental or physical examination that includes a statement of the specific conduct, event, or circumstances justifying an examination and a statement of the nature, purpose, scope, and content of the intended examination. If the applicant fails to submit to the examination or provide the results of the examination or any required waivers, the disciplining authority may deny the application.

(ii) An applicant governed by this chapter is deemed to have given consent to submit to a mental, physical, or psychological examination when directed in writing by the disciplining authority and further to have waived all objections to the admissibility or use of the examining health professional's testimony or examination reports by the disciplining authority on the grounds that the testimony or reports constitute privileged communications.

(2) The provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to a decision to deny a license under this section.

(3) The disciplining authority shall give written notice to the applicant of the decision to deny a license or grant a license with conditions in response to an application for a license. The notice must state the grounds and factual basis for the action and be served upon the applicant.

(4) A license applicant who is aggrieved by the decision to deny the license or grant the license with conditions has the right to an adjudicative proceeding. The application for adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, and be served on and received by the department within twenty-eight days of the decision. The license applicant has the burden to establish, by a preponderance of evidence, that the license applicant is qualified in accordance with the provisions of this chapter, the chapters identified in RCW 18.130.040(2), and the rules adopted by the disciplining authority.

NEW SECTION. Sec. 25. A new section is added to chapter 18.205 RCW to read as follows:

(1) The department shall develop training standards for the creation of a co-occurring disorder specialist enhancement which may be added to the license or registration held by one of the following:

(a) Psychologists licensed under chapter 18.83 RCW;

(b) Independent clinical social workers licensed under chapter 18.225 RCW;

(c) Marriage and family therapists licensed under chapter 18.225 RCW;

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(d) Mental health counselors licensed under chapter 18.225 RCW; and

(e) An agency affiliated counselor under chapter 18.19 RCW with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university who has at least two years of experience, experience gained under the supervision of a mental health professional recognized by the department or attested to by the licensed behavioral health agency, in direct treatment of persons with mental illness or emotional disturbance.

(2) To obtain the co-occurring disorder specialist enhancement, the applicant must meet training standards and experience requirements. The training standards must be designed with consideration of the practices of the health professions listed in subsection (1) of this section and consisting of sixty hours of instruction consisting of (a) thirty hours in understanding the disease pattern of addiction and the pharmacology of alcohol and other drugs; and (b) thirty hours in understanding addiction placement, continuing care, and discharge criteria, including the American society of addiction medicine criteria; treatment planning specific to substance abuse; relapse prevention; and confidentiality issues specific to substance use disorder treatment.

(3) In developing the training standards, the department shall consult with the examining board of psychology established in chapter 18.83 RCW, the Washington state mental health counselors, marriage and family therapists, and social workers advisory committee established in chapter 18.225 RCW, the substance use disorder certification advisory committee established in chapter 18.205 RCW, and educational institutions in Washington state that train psychologists, marriage and family therapists, mental health counselors, independent clinical social workers, and substance use disorder professionals.

(4) The department shall approve educational programs that meet the training standards, and must not limit its approval to university-based courses.

(5) The secretary shall issue a co-occurring disorder specialist enhancement to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Completion of the training standards;

(b) Successful completion of an approved examination based on core competencies of substance use disorder counseling;

(c) Successful completion of an experience requirement of:

(i) Eighty hours of supervised experience for an applicant listed under subsection (1) of this section with fewer than five years of experience; or

(ii) Forty hours of supervised experience for an applicant listed under subsection (1) of this section with five or more years of experience; and

(d) Payment of any fees that may be established by the department.

(6) An applicant for the co-occurring disorder specialist enhancement may receive supervised experience from any person who meets or exceeds the requirements of a certified substance use disorder professional in the state of Washington and who would be eligible to take the examination required for substance use disorder professional certification.

(7) A person who has obtained a co-occurring disorder specialist enhancement may provide substance use disorder counseling services which are equal in scope with those provided by substance use disorder professionals under this chapter, subject to the following limitations:

(a) A co-occurring disorder specialist may only provide substance use disorder counseling services if the co-occurring disorder specialist is employed by:

(i) An agency that provides counseling services;

(ii) A federally qualified health center; or

(iii) A hospital;

(b) Following an initial intake or assessment, a co-occurring disorder specialist may provide substance use disorder treatment only to clients diagnosed with a substance use disorder and a mental health disorder;

(c) Prior to providing substance use disorder treatment to a client assessed to be in need of 2.1 or higher level of care according to American society of addiction medicine criteria, a co-occurring disorder specialist must make a reasonable effort to refer and connect the client to the appropriate care setting, as indicated by the client's American society of addiction medicine level of care; and

(d) A co-occurring disorder specialist must comply with rules promulgated by the department under subsection (11) of this section.

(8) The secretary shall establish by rule what constitutes adequate proof of meeting the criteria.

(9) Applicants are subject to the grounds for denial of a certificate or issuance of a conditional certificate under chapter 18.130 RCW.

(10) The department may adopt a fee to defray the cost of regulatory activities related to the issuance of co-occurring disorder specialist enhancements and any related disciplinary activities.

(11) The department shall adopt rules regarding the role of co-occurring disorder specialists across the American society of addiction medicine continuum of care.

(12) Any increase in fees necessary to cover the cost of regulating co-occurring disorder professionals who receive an enhancement under this section must be borne by persons licensed as psychologists under chapter 18.83 RCW, independent clinical social workers under chapter 18.225 RCW, marriage and family therapists under chapter 18.225 RCW, or mental health counselors under chapter 18.225 RCW. The cost of regulating co-occurring disorder specialists who receive an enhancement under this section may not be borne by substance use disorder professionals or substance use disorder professional trainees certified under this chapter and may not be included in the calculation of fees for substance use disorder professionals or substance use disorder professional trainees certified under this chapter.

NEW SECTION. Sec. 26. A new section is added to chapter 18.205 RCW to read as follows:

(1) Beginning July 1, 2020, subject to the availability of amounts appropriated for this specific purpose, the department shall contract with an educational program to offer the training developed under section 25 of this act. The contracted educational program shall offer the training at a reduced cost to health care providers identified in section 25 of this act. The training must be (a) available online on an ongoing basis and (b) offered in person at least four times per calendar year.

(2) Beginning July 1, 2020, subject to the availability of amounts appropriated for this specific purpose, the department shall contract with an entity to provide a telephonic consultation service to assist health care providers who have been issued a substance use disorder professional certification pursuant to RCW 18.205.090 or a co-occurring disorder specialist enhancement under section 25 of this act with the diagnosis and treatment of patients with co-occurring behavioral health disorders.

(3) The department shall identify supervisors who are trained and available to supervise persons seeking to meet the supervised experience requirements established under section 25 of this act.

(4) This section expires July 1, 2025.

NEW SECTION. Sec. 27. A new section is added to chapter 18.83 RCW to read as follows:

The department shall reduce the total number of supervised experience hours required under RCW 18.83.070 by three months for any applicant for a license under this chapter who has practiced as a certified chemical dependency professional for three years in the previous ten years.

NEW SECTION. Sec. 28. A new section is added to chapter 18.225 RCW to read as follows:

The department shall reduce the total number of supervised experience hours required under RCW 18.225.090 by ten percent for any applicant for a license under this chapter who has practiced as a certified chemical dependency professional for three years in the previous ten years.

NEW SECTION. Sec. 29. The department of health must amend its rules, including WAC 246-341-0515, to allow persons with a co-occurring disorder specialist enhancement under chapter 18.205 RCW to provide substance use disorder counseling services that are equal in scope with the scope and practice of a substance use disorder professional under chapter 18.205 RCW, subject to the practice limitations under section 25 of this act.

NEW SECTION. Sec. 30. A new section is added to chapter 18.205 RCW to read as follows:

(1) The department, in collaboration with the behavioral health institute at the University of Washington, the research and data analysis division at the department of social and health services, and the division of behavioral health and recovery at the health care authority, must conduct a review and analysis regarding the effects of the co-occurring disorder specialist enhancement created by this act on increasing the number of providers qualified to provide substance use disorder services and improving outcomes for persons with a substance use disorder.

(2) The review and analysis shall assess:

(a) The effects of the availability of the co-occurring disorder specialist enhancement on:

(i) Increasing the number of providers qualified to provide substance use disorder services; and

(ii) Improving outcomes for persons with a substance use disorder;

(b) The number of co-occurring disorder specialist enhancements that have been issued;

(c) The settings in which co-occurring disorder specialists are working;

(d) The geographic distribution of co-occurring disorder specialists;

(e) Any change in the number of certified substance use disorder professionals and substance use disorder professional trainees;

(f) Any change in the number of people receiving treatment at the appropriate level of care, including:

(i) The number of American society of addiction medicine assessments made by co-occurring disorder specialists;

(ii) The assessed level of care for clients according to American society of addiction medicine criteria;

(iii) Co-occurring mental health diagnoses for clients receiving services from a co-occurring disorder specialist;

(iv) The number of referrals made by co-occurring disorder specialists, by American society of addiction medicine level; and

(v) The number of successful placements made by co-occurring disorder specialists; and

(g) Any other factors relevant to assessing the effects of the availability of the co-occurring disorder specialist enhancement

on the behavioral health workforce and the provision of appropriate services to clients.

(3) The agencies listed in subsection (1) of this section must develop the tools necessary to conduct the review and analysis required by this section.

(4) By December 1, 2022, the department shall submit a preliminary report of the findings of its review and analysis and any recommendations for improving the qualifications for an enhancement or the practice of those who have been issued an enhancement, and a final report by December 1, 2024.

NEW SECTION. Sec. 31. The department of health shall conduct a sunrise review under chapter 18.120 RCW to evaluate the need for creation of a bachelor's level behavioral health professional credential that includes competencies related to the treatment of both substance use and mental health disorders appropriate to the bachelor's level of education, allows for reimbursement of services in all appropriate settings where persons with behavioral health disorders are treated, and is designed to facilitate work in conjunction with master's level clinicians in a fashion that enables all professionals to work at the top of their scope of license.

NEW SECTION. Sec. 32. (1) Section 13 of this act takes effect August 1, 2020.

(2) Section 19 of this act takes effect July 1, 2026.

NEW SECTION. Sec. 33. (1) Section 12 of this act expires August 1, 2020.

(2) Section 18 of this act expires July 1, 2026."

On page 1, line 2 of the title, after "practice;" strike the remainder of the title and insert "amending RCW 18.205.010, 18.205.020, 18.205.030, 18.205.080, 18.205.090, 18.205.095, 18.205.100, 10.77.079, 13.40.020, 13.40.042, 18.130.040, 43.70.442, 43.70.442, 70.97.010, 70.97.030, 71.34.020, 71.34.720, 71.34.720, 71.34.760, 18.130.175, 43.43.842, and 18.130.055; reenacting and amending RCW 71.05.020; adding new sections to chapter 18.205 RCW; adding a new section to chapter 18.83 RCW; adding a new section to chapter 18.225 RCW; creating new sections; providing effective dates; and providing expiration dates."

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

The President declared the question before the Senate to be the adoption of striking amendment no. 828 by Senator Dhingra to Engrossed Substitute House Bill No. 1768.

The motion by Senator Dhingra carried and striking amendment no. 828 was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1768 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1768 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De

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Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Sheldon

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1768, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Senator Sheldon was excused.

MESSAGE FROM THE HOUSE

April 23, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1504 and asks the Senate to recede therefrom. and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Pedersen moved that the Senate adhere to its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1504 and ask the House to concur thereon.

Senators Pedersen and Padden spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Pedersen that the Senate adhere to its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1504 and ask the House to concur thereon.

The motion by Senator Pedersen carried and the Senate adhered to its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1504 and again asked the House to concur thereon by voice vote.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1102, by House Committee on Capital Budget (originally sponsored by Tharinger)

Concerning the capital budget.

The measure was read the second time.

MOTION

Senator Frockt moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this

section and ending June 30, 2021, out of the several funds specified in this act.

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

(a) "Fiscal year 2020" or "FY 2020" means the period beginning July 1, 2019, and ending June 30, 2020.

(b) "Fiscal year 2021" or "FY 2021" means the period beginning July 1, 2020, and ending June 30, 2021.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

(3) Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(4) The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2021-2023 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

(5) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2019, from the 2017-2019 biennial appropriations for each project.

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 1001. FOR THE COURT OF APPEALS

Division III Roof Replacement and Maintenance (30000003)	
Reappropriation:	
State Building Construction Account—State	\$262,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$262,000

NEW SECTION. Sec. 1002. FOR THE SECRETARY OF STATE

Library Archives (30000033)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the library archives building.

(2) The secretary of state must enter into a financial contract for up to \$103,143,000.

Reappropriation:	
State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,300,000

NEW SECTION. Sec. 1003. FOR THE OFFICE OF THE SECRETARY OF STATE

State Archives Minor Works Projects (30000042)

Appropriation:	
State Building Construction Account—State	\$573,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs) \$0
 TOTAL \$573,000

NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMERCE

Housing Assistance, Weatherization, and Affordable Housing (20074009)

Reappropriation:
 State Taxable Building Construction Account—State \$62,000
 Prior Biennia (Expenditures) \$199,760,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$199,822,000

NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMERCE

2010 Local and Community Projects (30000082)

The reappropriation in this section is subject to the following conditions and limitations: The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.

Reappropriation:
 State Building Construction Account—State \$1,975,000
 Prior Biennia (Expenditures) \$11,447,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$13,422,000

NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)

Reappropriation:
 Public Facility Construction Loan Revolving Account—State \$8,020,000
 State Taxable Building Construction Account—State \$4,000,000
 Subtotal Reappropriation \$12,020,000
 Prior Biennia (Expenditures) \$6,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$18,020,000

NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Program 2013 Loan List (30000184)

Reappropriation:
 Public Works Assistance Account—State \$11,000,000
 Prior Biennia (Expenditures) \$27,141,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$38,141,000

NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom Program (30000726)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6003, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:
 State Building Construction Account—State \$14,937,000
 State Taxable Building Construction Account—State \$3,532,000
 Subtotal Reappropriation \$18,469,000
 Prior Biennia (Expenditures) \$21,931,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$40,400,000

NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMERCE

Housing Trust Fund Appropriation (30000833)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess.

Reappropriation:
 State Taxable Building Construction Account—State \$11,906,000
 Washington Housing Trust Account—State \$278,000
 Subtotal Reappropriation \$12,184,000
 Prior Biennia (Expenditures) \$70,816,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$83,000,000

NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMERCE

2015-17 Community Economic Revitalization Board Program (30000834)

Reappropriation:
 Public Facility Construction Loan Revolving Account—State \$10,588,000
 Prior Biennia (Expenditures) \$12,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$10,600,000

NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency and Solar Grants (30000835)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1035, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:
 State Building Construction Account—State \$2,000,000
 Prior Biennia (Expenditures) \$23,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$25,000,000

NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMERCE

Ultra-Efficient Affordable Housing Demonstration (30000836)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1006, chapter 35, Laws of 2016 sp. sess.

Reappropriation:
 Washington Housing Trust Account—State \$845,000
 Prior Biennia (Expenditures) \$1,655,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,500,000

NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMERCE

2017 Local and Community Projects (30000846)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1008, chapter 35, Laws of 2016 sp. sess.

Reappropriation:
 State Building Construction Account—State \$3,000,000
 Prior Biennia (Expenditures) \$8,363,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,363,000

NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

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The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1002, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$41,665,000
State Taxable Building Construction Account—State	\$47,639,000
Washington Housing Trust Account—State	\$7,513,000
Subtotal Reappropriation	\$96,817,000
Prior Biennia (Expenditures)	\$13,972,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$110,789,000

NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMERCE

Economic Opportunity Grants (30000873)

Reappropriation:

Rural Washington Loan Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$1,750,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,750,000

NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMERCE

2017-19 Youth Recreational Facilities Grant Program (30000875)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1008, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$1,907,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,907,000

NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMERCE

2017-19 Building for the Arts Grant Program (30000877)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$6,000,000
Prior Biennia (Expenditures)	\$6,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,000,000

NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Construction Loans (30000878)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6001 of this act and shall be expended for the projects listed. However, if upon review of applications the public works board determines that a project is ineligible for a loan, or if the entity responsible for construction of a listed project declines a loan, the department may transfer any excess funding to other public works projects as recommended and approved through the public works board, provided those projects meet eligibility criteria.

Reappropriation:

State Taxable Building Construction Account—State	\$65,117,000
Prior Biennia (Expenditures)	\$12,103,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$77,220,000

NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMERCE

Weatherization Plus Health Matchmaker Program (30000879)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1014, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$11,818,000
State Taxable Building Construction Account—State	\$4,934,000
Subtotal Reappropriation	\$16,752,000
Prior Biennia (Expenditures)	\$6,748,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,500,000

NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMERCE

Clean Energy Funds 3 (30000881)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1013, chapter 2, Laws of 2018.

Reappropriation:

Energy Efficiency Account—State	\$5,472,000
State Building Construction Account—State	\$32,065,000
State Taxable Building Construction Account—State	\$7,934,000
Subtotal Reappropriation	\$45,471,000
Prior Biennia (Expenditures)	\$629,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$46,100,000

NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency and Solar Grants (30000882)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6015 of this act.

Reappropriation:

Energy Efficiency Account—State	\$5,478,000
State Building Construction Account—State	\$5,162,000
Subtotal Reappropriation	\$10,640,000
Prior Biennia (Expenditures)	\$360,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,000,000

NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF COMMERCE

2017-19 Building Communities Fund Grant (30000883)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$18,500,000
Prior Biennia (Expenditures)	\$12,400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,900,000

NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 6003 of this act.

(2) The Interbay public development advisory committee shall provide a report to the legislature and office of the governor with recommendations by September 15, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee.

(3) The Interbay public development advisory committee terminates June 30, 2020.

Reappropriation:

State Building Construction Account—State	\$90,642,000
Prior Biennia (Expenditures)	\$39,799,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$130,441,000

NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMERCE

Early Learning Facility Grants (40000006)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 298, Laws of 2018.

Reappropriation:

Early Learning Facilities Development Account—State	\$2,500,000
Early Learning Facilities Revolving Account—State	\$6,000,000
Subtotal Reappropriation	\$8,500,000
Prior Biennia (Expenditures)	\$7,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,500,000

NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMERCE

Dental Clinic Capacity Grants (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1006, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$6,534,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,534,000

NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMERCE

PWAA Preconstruction and Emergency Loan Programs (40000009)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Up to \$5,000,000 is for the public works board's emergency loan program.

(2) Up to \$14,000,000 is for the public works board's reconstruction loan program.

Reappropriation:

State Taxable Building Construction Account—State	\$18,000,000
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,000,000

NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6017 of this act.

Reappropriation:

State Building Construction Account—State	\$85,000,000
Prior Biennia (Expenditures)	\$5,876,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$90,876,000

NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMERCE

2019-21 Housing Trust Fund Program (40000036)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$154,000,000 of the state taxable building construction account—state appropriation and \$21,000,000 of the state building construction account—state appropriation are provided solely for production and preservation of affordable housing. Of the amounts in this subsection:

(a) \$17,000,000 of the appropriation in this section is provided solely for competitive grant awards for high quality affordable housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. These funds must be awarded to projects with a total project development cost per housing unit of less than \$125,000, excluding the value of land, off-site infrastructure costs, and any capitalized reserves, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period.

(b) \$35,000,000 of the appropriation is provided solely for housing projects that provide supportive housing and case-management services to persons with behavioral or chronic mental illness. When evaluating applications for this population, the department must prioritize low-income supportive housing unit proposals that show:

(i) Evidence that the application was developed in collaboration with one or more behavioral health regions;

(ii) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in the applicant's region;

(iii) A commitment by the applicant to provide, directly or through a formal partnership, necessary treatment and supportive services to the tenants and maintain the beds or housing units for at least a forty-year period;

(iv) Readiness to begin structural modifications or construction resulting in a fast project completion; and

(v) Program requirements that adhere to the key elements of permanent supportive housing programs including choice in housing and living arrangements, functional separation of housing and services, community integration, rights of tenancy, and voluntary recovery-focused services.

(c) \$10,000,000 of the appropriation in this section is provided solely for housing that serves people with developmental disabilities.

(d) \$10,000,000 of the appropriation in this section is provided solely for housing that serves people who are employed as farmworkers.

(e) \$12,500,000 of the appropriation in this section is provided solely for a state match or state matches on private contributions that fund the production and preservation of affordable housing. Awards must be made using a competitive process.

(f) The state building construction account—state appropriation in this section is provided solely for the following list of housing projects:

Bellwether Housing (Seattle)	\$1,000,000
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Crosswalk Teen Shelter and Transitional Housing Project (Spokane)	\$1,000,000
Ethiopian Community Affordable Housing (Seattle)	\$3,000,000
FUSION Emergency Housing for Homeless Families (Federal Way)	\$1,500,000
Highland Village (Airway Heights)	\$3,500,000
Home At Last (Tacoma)	\$1,000,000
Mary's Place Family Center (Burien)	\$1,500,000
NorthHaven Affordable Senior Housing Campus (Seattle)	\$1,000,000
Plymouth Housing (Seattle)	\$1,000,000
Roslyn Housing Project (Roslyn)	\$2,000,000
Seattle Indian Health Board - Low Income Housing (Seattle)	\$1,000,000
Tenny Creek Assisted Living (Vancouver)	\$1,000,000
Veterans Supportive Housing (Yakima)	\$2,500,000

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2019-2021 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(4)(a) The department, in cooperation with the housing finance commission, must develop and implement a process for the collection of certified final development cost data from each grant or loan recipient under this section. The department must use this data as part of its cost containment policy.

(b) Beginning December 1, 2019, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

Appropriation:

State Building Construction Account—State	\$21,000,000
State Taxable Building Construction Account—State	\$154,000,000
Subtotal Appropriation	\$175,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$175,000,000

NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMERCE

Pacific Tower Capital Improvements (40000037)

Appropriation:

State Taxable Building Construction Account—State	\$1,020,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,311,000
TOTAL	\$6,331,000

NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMERCE

Public Works Board (40000038)

The appropriations in this section are subject to the following conditions and limitations: The appropriations may be used to address fish barriers consistent with the comprehensive strategy to maximize habitat values of culvert correction investments, as recommended by the fish passage barrier removal board established in RCW 77.95.160.

Appropriation:

State Taxable Building Construction Account—State	\$5,000,000
Public Works Assistance Account—State	\$200,000,000
Subtotal Appropriation	\$205,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$205,000,000

NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMERCE

2019-21 Building for the Arts Grant Program (40000039)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Seattle Theatre Group	\$310,000
Music Center of the Northwest	\$300,000
Seattle Symphony Orchestra	\$912,000
Broadway Center for the Performing Arts	\$586,000
Bainbridge Artisan Resource Network	\$1,057,000
Nordic Heritage Museum Foundation	\$2,000,000
Imagine Children's Museum	\$2,000,000
Seattle Opera	\$526,000
KidsQuest Children's Museum	\$816,000
Central Stage Theatre of County Kitsap	\$964,000
Roxy Bremerton Foundation	\$51,000
Port Angeles Waterfront Center	\$1,112,000
Rehabilitating Fort Worden's Historic Warehouses	\$712,000
Sea Mar Museum of Chicano/a Latino/a Culture	\$654,000
Appropriation:	
State Building Construction Account—State	\$12,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	\$60,000,000

NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMERCE

2019-21 Community Economic Revitalization Board (40000040)

Appropriation:

Public Facility Construction Loan Revolving Account—State	\$8,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,400,000
TOTAL	\$43,000,000

NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMERCE

2019-21 Youth Recreational Facilities Grant Program (40000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Boys and Girls Clubs of Benton and Franklin Counties	\$1,088,000
Yakima Valley Farm Workers Clinic	\$737,000
Tulalip Tribes of Washington	\$425,000
YMCA of Pierce and Kitsap Counties	\$1,200,000
YMCA of the Inland Northwest	\$10,000
Bainbridge Island Child Care Centers	\$90,000
YMCA of Greater Seattle—Camp Orkila	\$250,000
Plus Delta After School Studios, dba The Club	\$80,000
YMCA of Greater Seattle—Camp Colman	\$250,000
Boys and Girls Clubs of Snohomish County	\$400,000
Camp Korey	\$545,000
Woodland Community Swimming Pool Committee	\$805,000
Volunteers of America Western Washington	\$1,200,000
MLK Fame Arts Mentoring and Enrichment Center	\$11,000
Appropriation:	
State Building Construction Account—State	\$7,091,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,091,000

NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMERCE

Clean Energy Transition 4 (40000042)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations, including communities with high environmental or energy burden.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington

employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department is entitled to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$5,143,000 of the state building construction account—state appropriation is provided solely for grid modernization grants for projects that: Advance clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Eligible utilities may partner with other public and private sector research organizations and businesses in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(6)(a) \$4,000,000 of the state building construction account—state appropriation is provided solely for competitive grants for strategic research and development for new and emerging clean energy technologies. These grants will be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program. Clean energy organizations who compete for grants from the program may not participate in the design of the grant program. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies.

(7)(a) \$2,857,000 of the state building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that will provide matching private capital and will administer the loan fund. The

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department must select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(8) \$5,000,000 of the state building construction account—state appropriation is provided solely for the Washington maritime innovation center. The center must be used to support technology acceleration and incubation, and act as a focal point for maritime sustainability, including, but not limited to, supporting technology development for maritime decarbonization and electrification.

(9) \$8,000,000 of the state building construction account—state appropriation is provided solely for scientific instruments to help accelerate research in energy storage for the electric grid at a new facility at the Pacific Northwest national laboratory. The state funds are contingent on securing federal funds for the new facility, and are provided as a match to the federal funding. The instruments purchased with this appropriation will support collaborations with the University of Washington and Washington State University.

Appropriation:

State Building Construction Account—State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$73,000,000
TOTAL	\$98,000,000

NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMERCE

2019-21 Building Communities Fund Program (40000043)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.125.

(2) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Mercy Housing Northwest	\$820,000
Northwest Indian College	\$232,000
Refugee Women's Alliance (ReWA)	\$392,000
Coastal Community Action Program	\$3,120,000
West African Community Council	\$387,000
YWCA Pierce County	\$750,000
Work Opportunities	\$25,000
Whatcom Dispute Resolution Center	\$118,300
University Heights Center for the Community	\$271,300
Chief Seattle Club	\$1,700,000
HomeSight	\$3,000,000
Unity Care NW	\$3,000,000
Rainier Valley Food Bank	\$950,000
Peninsula Behavioral Health	\$200,000
Compass Health	\$3,500,000
Blue Mountain Action Council	\$750,000
Encompass Northwest	\$1,500,000
Boys & Girls Clubs of the Olympic Peninsula	\$575,000
Community Action Council of Lewis, Mason & Thurston	

Counties	\$475,000
YMCA of Greater Seattle	\$2,000,000
South Sound YMCA	\$3,500,000
Downtown Emergency Service Center (DESC)	\$2,000,000
Friends of Youth	\$210,000
Holly Ridge Center, INC	\$600,000
Partners with Families & Children: Spokane	\$500,000
Port Gamble S'Klallam Tribe Health and Wellness Center	\$2,000,000
Willapa Center	\$260,000
Lynnwood Neighborhood Center	\$2,000,000
FareStart Capital Improvements	\$200,000
Ethiopian Community Village	\$750,000
Spokane Guilds' School Capital Campaign	\$1,000,000
Appropriation:	
State Building Construction Account—State	\$36,785,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,785,000

NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMERCE

2019-21 Early Learning Facilities (40000044)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.31.573.

(2) \$4,186,000 is provided solely for the following list of early learning facility projects in the following amounts:

Toppenish School District	\$111,000
Manson School District	\$400,000
Kettle Falls School District	\$395,000
North Thurston School District	\$324,000
Ellensburg School District 401	\$800,000
Everett School District	\$800,000
Tukwila School District 406	\$196,000
Richland School District	\$800,000
Lake Quinault School District	\$360,000

(3) The department of commerce must assist the department of children, youth, and families in developing a methodology to identify, at the school district level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(4) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the department of commerce must first consider those areas at risk of not meeting the entitlement in accordance with RCW 43.216.556.

(5) The department of commerce must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

Appropriation:

Early Learning Facilities Revolving Account—State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000

TOTAL \$45,000,000

NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMERCE

2019-21 Weatherization (40000048)

The appropriation in this section is subject to the following conditions and limitations: \$5,000,000 is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners in making sound energy efficiency investments by providing consumer education and marketing, workforce support via training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings; this is the maximum amount the department may expend for this purpose.

Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency and Solar Grants Program (40000049)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$1,666,000 for fiscal year 2020 and \$5,000,000 for fiscal year 2021 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(b) At least twenty percent of each competitive grant round must be awarded in small cities or towns with a population of five thousand or fewer residents.

(c) In each competitive round, the higher the leverage ratio of nonstate funding sources to state grant and the higher the energy savings, the higher the project ranking.

(d) For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through reduced exposure to polychlorinated biphenyl. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(2) \$3,333,000 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(3) \$5,000,000 is provided solely for efficiency and environmental performance improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department shall submit to the office of financial management a list of all proposed awards for review and approval.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts and provide a report of

the metrics, including at a minimum the current energy used by the building, the energy use after efficiencies are completed and cost of energy saved.

Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMERCE

Rural Rehabilitation Loan Program (40000052)

Appropriation:

State Taxable Building Construction Account—State	\$7,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	\$37,500,000

NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMERCE

2019-21 Behavioral Health Capacity Grants (40000114)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with the establishment of the facilities. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health regions;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) If applicable, the applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3) of this section, the department, in consultation with the department of social and health services, the health care authority, and behavioral health regions, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

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(3) \$101,500,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) \$5,000,000 is provided solely for at least two enhanced service facilities for long-term placement of geriatric or traumatic brain injury patients and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$10,000,000 is provided solely for at least four intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 is provided solely for at least one facility with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$2,000,000 is provided solely for one or more facilities to add at least sixteen crisis triage and/or stabilization beds in the Spokane region that will address both urban and rural needs and are not subject to federal funding restrictions that apply to institutions of mental diseases, consistent with the settlement agreement in *A.B., by and through Trueblood, et al., v. DSHS, et al.*;

(e) \$7,500,000 is provided solely for at least five mental health drop-in centers that are not subject to federal funding restrictions that apply to institutions of mental diseases. No more than one mental health drop-in center should be funded in each of the nine regions;

(f) \$15,000,000 is provided solely for at least two enhanced adult residential care facilities for long-term placement of dementia patients that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(g) \$21,300,000 is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on ninety-day or one hundred eighty-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the omnibus operating appropriations act for these purposes.

(h) \$39,562,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

Detox/Inpatient SUD Building (Centralia)	\$750,000
Evergreen RC Addiction Treatment Facility for Mothers (Everett)	\$2,000,000
HealthPoint Behavioral Health Expansion (Auburn)	\$1,030,000
Issaquah Opportunity Center (Issaquah)	\$3,000,000

Maple Street Clinic Behavioral Health Expansion (Spokane)	\$411,000
Multicare - Auburn Campus	\$15,000,000
Peninsula Community Health Services Behavioral Health Expansion (Bremerton)	\$1,700,000
Providence Everett	\$4,200,000
Regional Stabilization Campus (Sedro-Woolley)	\$6,600,000
Sea Mar Community Health Centers Seattle BH (Seattle)	\$371,000
Tri-County Sub-Acute Detox and Crisis Center (Oak Harbor)	\$2,300,000
Virginia Mason - Yakima Valley Memorial Hospital	\$2,200,000

(i) \$10,000,000 of the community behavioral health account—state appropriation is provided solely for competitive community behavioral health grants to address regional needs.

(4) \$5,000,000 is provided solely for a behavioral health permanent supportive housing pilot. The department must work with the department of health and the health care authority to develop criteria for applicants. These must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health regions;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded;

(d) A commitment by the applicant to maintain the beds or facility for at least a twenty-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) Program requirements that adhere to the key elements of permanent supportive housing programs including choice in housing and living arrangements, functional separation of housing and services, community integration, rights of tenancy, and voluntary recovery-focused services.

(5) The department of commerce shall notify all applicants that they may be required to have a construction review performed by the department of health.

(6) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate enhanced services facilities, intensive behavioral health treatment facilities, secure detoxification facilities, crisis stabilization units, mental health drop-in centers, community hospitals or freestanding psychiatric hospitals, enhanced adult residential care facilities, and evaluation and treatment facilities.

(7) If Substitute Senate Bill No. 5537 (behavioral health facilities) is not enacted by June 30, 2019, and ratified by the people by December 5, 2019, then the community behavioral health account appropriation provided in this section shall lapse.

Appropriation:	
Community Behavioral Health Account—State	\$10,000,000
State Building Construction Account—State	\$107,362,000
Subtotal Appropriation	\$117,362,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	\$517,362,000

NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMERCE

2020 Local and Community Projects (40000116)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) \$615,000 of the appropriation in this section is provided solely for replacement and repair of dock facilities available for public use at Van Riper marina, without requiring matching resources, and provided that a grant and lease term of thirty years is offered to the recipient from the state.

(8) The appropriation is provided solely for the following list of projects:

2020 and Beyond Updated Small Water System Plan (Index)	\$947,000
Aging in PACE Washington (AiPACE) (Seattle)	\$23,000
Airport Utility Extension (Pullman)	\$1,500,000
Aquatic and Recreation Center (King County)	\$1,626,000
Battle Ground YMCA (Battle Ground)	\$1,050,000
Battle Ground YMCA (Battle Ground)	\$500,000
Blue Mountain Action Council Comm. Services Center (Walla Walla)	\$1,000,000
Bothell Downtown Revitalization (Bothell)	\$1,500,000
Boys & Girls Club ECEAP Facility (Monroe)	\$200,000
Boys & Girls Club Parking Safety Improvements (Arlington)	\$100,000
Boys & Girls Club Roof and Flooring Repairs (Federal Way)	\$319,000
Breeze Creek Culvert Replacement/East 4th St Widening (La Center)	\$1,500,000
Browns Park Project (Spokane Valley)	\$520,000
Carbonado Water Source Protection Acquisition (Carbonado)	\$1,500,000
Carl Maxey Center (Spokane)	\$350,000

Cathlamet Pioneer Center Restoration (Cathlamet)	\$165,000
Cheney Reclaimed Water Project (Cheney)	\$2,000,000
Chief Kitsap Community and Education Center (Poulsbo)	\$750,000
Chief Leschi Schools Facilities & Safety Project (Puyallup)	\$250,000
Civic Center Parking Lot Paving (Shelton)	\$283,000
Community Services of Moses Lake Food Bank Facility (Moses Lake)	\$2,000,000
Dakota Homestead (Seattle)	\$155,000
Dungeness River Audubon Center Expansion (Sequim)	\$500,000
East Hylebos Watershed Cons. Prop. Acquisition (Federal Way)	\$500,000
Eatonville 3rd Water Filter and Clear Well (Eatonville)	\$1,400,000
El Centro de la Raza (Federal Way)	\$1,000,000
Evergreen Speedway Capital Improvement (Monroe)	\$150,000
Expanding on Excellence Capital Campaign (White Salmon)	\$500,000
Felts Field Gateway Improvement Phase 1 (Spokane)	\$100,000
Filipino Community Center Roof (Wapato)	\$40,000
Flood Plain Stabilization, Habitat Enhancement (Kent)	\$1,000,000
Foothills Trail Extension (Wilkeson)	\$500,000
Fort Steilacoom Park Artificial Turf Infields (Lakewood)	\$1,015,000
Fourth Plain Community Commons (Vancouver)	\$800,000
Gene Coulon Memorial Beach Park Play Equipment Upgrade (Renton)	\$618,000
Grand Connection Downtown Park Gateway (Bellevue)	\$1,000,000
Granger Historical Museum Construction (Granger)	\$150,000
Granite Falls Police Dept Renovation Project (Granite Falls)	\$200,000
Greater Maple Valley Veterans Memorial (Maple Valley)	\$99,000
Green Bridges, Healthy Communities; Aurora Bridge I-5 (Seattle)	\$1,500,000
Healthpoint Dental Expansion (SeaTac)	\$1,545,000
High Dune Trail & Conservation Project (Ocean Shores)	\$140,000
Historic Olympic Stadium Preservation Project (Hoquiam)	\$515,000
Historical Museum & Community Center Roof Replacement (Washtucna)	\$24,000
Howard Bowen Event Complex (Sumas)	\$1,712,000
ICHS Bellevue Clinic Renovation Project (Bellevue)	\$1,600,000
Illahee Preserve's Lost Continent Acquisition (Bremerton)	\$335,000
Imagine Children's Museum Expansion and Renovation (Everett)	\$2,000,000
Infrastructure for Economic Development (Port Townsend)	\$675,000
Innovative Health Care Learning Center Phase 1 (Yakima)	\$500,000
Interactive Educ. Enhancement/Friends Issaquah Hatchery (Issaquah)	\$113,000
Japanese American Exclusion Departure Deck (Bainbridge Island)	\$150,000
Japanese Gulch Daylight Project (Mukilteo)	\$200,000
Keller House and Carriage House Paint Restoration (Colville)	\$45,000

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Key Kirkland Sidewalk Repairs (Kirkland)	\$537,000
Key Peninsula Elder Community (Gig Harbor)	\$1,000,000
La Conner Regional Library (La Conner)	\$700,000
Lacey Veterans Services Hub Facility Renovation (Lacey)	\$2,000,000
Lake City Community Center Replacement (Seattle)	\$2,000,000
Lake Stevens Civic Center Phase II (Lake Stevens)	\$1,000,000
Lake Wilderness Park Improvements (Maple Valley)	\$200,000
Land Use & Infrastructure Subarea Plan (Mill Creek)	\$300,000
Larson Gallery - West Campus (Yakima)	\$875,000
Legacy in Motion (Puyallup)	\$1,750,000
Legacy Site Utility Infrastructure (Maple Valley)	\$150,000
LIGO STEM Exploration Center (Richland)	\$1,700,000
Little Mountain Road Pipeline and Booster Station (Mount Vernon)	\$1,300,000
Lopez Island Swim Center (Lopez Island)	\$1,000,000
Mabton City Park (Mabton)	\$54,000
Main Street Redevelopment Project - Phase 2 (University Place)	\$985,000
Mariner Community Campus (Everett)	\$2,250,000
Marymount Museum/Spana-Park Senior Center (Spanaway)	\$1,000,000
McCormick Woods Sewer Lift #2 Improvements (Port Orchard)	\$800,000
Mercer Is/Aubrey Davis Park Trail Upgrade (Mercer Island)	\$500,000
Mt Adams Comm. Forest, Klickitat Canyon Rim Purchase (Glenwood)	\$400,000
NEW Health Programs, Colville Dental Clinic (Colville)	\$1,250,000
Newman Lake Flood Control Zone District (Newman Lake)	\$415,000
North Elliott Bay Public Dock; Marine Transit Terminal (Seattle)	\$1,000,000
Northshore Senior Center Rehabilitation Project (Bothell)	\$500,000
Northwest Native Canoe Center (Seattle)	\$986,000
Opening Doors - Permanent Supportive Housing Facility (Bremerton)	\$750,000
Orting City Hall and Police Station (Orting)	\$600,000
Outdoors for All (Seattle)	\$1,000,000
Pendergast Regional Park Phase II (Bremerton)	\$50,000
Peninsula Community Health Service Dental Mobile (Bremerton)	\$340,000
Pet Overpopulation Prevention Vet Clinic Building (West Richland)	\$300,000
Port of Hadlock Wastewater Facility Project (Port Hadlock)	\$200,000
Port of Ilwaco Boatyard Modernization (Ilwaco)	\$545,000
Protect Sewer Plant from Erosion (Ocean Shores)	\$155,000
Redmond Pool (Redmond)	\$1,000,000
Renton Connector Trail (Renton)	\$500,000
Richmond Highland Recreation Center Repairs (Shoreline)	\$500,000
Ritzville Business & Entrepreneurship Center (Ritzville)	\$350,000
Scott Hill Park & Sports Complex (Woodland)	\$500,000
Sea Mar Comm Health Centers Port Angeles Dental (Port Angeles)	\$195,000
Sea Mar Community Health Centers Tumwater Dental (Olympia)	\$170,000
Seattle Aquarium (Seattle)	\$1,000,000
Sedro-Woolley Regional Library (Sedro-Woolley)	\$500,000

Sewage Lagoon Decommissioning (Concrete)	\$255,000
Shoreline Maintenance Facility - Brightwater Site (Shoreline)	\$500,000
Skabob House Cultural Center (Shelton)	\$350,000
Skagit Co. Law Enforcement Emergency Communication (Mount Vernon)	\$1,000,000
Snohomish County Sheriff's Office South Precinct (Snohomish)	\$1,000,000
Snohomish Fire District #26 Communications Project (Gold Bar)	\$27,000
Snoqualmie Valley Youth Activities Center (North Bend)	\$400,000
South Fork Snoqualmie Levee Setback Project (North Bend)	\$250,000
SOZO Sports Indoor Arena (Yakima)	\$600,000
Springbrook Park Expansion & Clover Creek Restoration (Lakewood)	\$773,000
SR 530 "Oso" Slide Memorial (Arlington)	\$300,000
Stan and Joan Cross Park (Tacoma)	\$500,000
Starfire Sports STEM (Tukwila)	\$250,000
Sultan Water Treatment Plant Design (Sultan)	\$246,000
Sumas History Themed Playground and Water Park (Sumas)	\$288,000
Sunnyside Airport Hangar Maintenance Facility (Sunnyside)	\$500,000
Sunnyside Yakima Valley-TEC Welding Program (Yakima)	\$25,000
Sunset Multi-Service & Career Development Center (Renton)	\$1,000,000
SW Washington Regional Agriculture & Innovation Park (Tenino)	\$1,500,000
Tacoma Beacon Center Renovation (Tacoma)	\$1,000,000
Tam O'Shanter Park Circulation & Parking Phase 2 (Kelso)	\$1,030,000
Terminal 1 Waterfront Development (Vancouver)	\$1,000,000
THA Arlington Drive Campus for Homeless Youth (Tacoma)	\$800,000
The AMP: AIDS Memorial Pathway (Seattle)	\$600,000
The Cutter Theatre Roof Replacement (Metaline Falls)	\$30,000
Town Center to Burke Gilman Trail Connector (Lake Forest Park)	\$500,000
Tukwila Village Food Hall (Tukwila)	\$400,000
Twin Springs Park (Kenmore)	\$155,000
Union Gap Library and Community Center (Union Gap)	\$2,000,000
Van Riper's Marina Replacement and Repair (Sekiu)	\$615,000
Veterans Dental Clinic (Yakima)	\$455,000
Volunteer Park Amphitheater (Seattle)	\$500,000
WA Poison Control IT (Seattle)	\$151,000
Wallula Dodd Water System Improvement (Walla Walla)	\$1,000,000
Washington Park Boat Launch Storm Damage (Anacortes)	\$200,000
Wenatchi Landing Sewer Extension - Phase 1 (East Wenatchee)	\$2,000,000
White Center Community HUB (Seattle)	\$500,000
Willapa BH - Long Beach Safety Improvement Project (Long Beach)	\$225,000
Wing Luke Museum Homestead Home (Seattle)	\$500,000
Wisdom Ridge Business Park (Ridgefield)	\$2,000,000
Yakima Valley Fair & Rodeo Multi-Use Facility (Grandview)	\$200,000
YMCA Childcare Center Tenant Improvements (Woodinville)	\$1,000,000

Appropriation:

State Building Construction Account—State	\$98,796,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$98,796,000

NEW SECTION. Sec. 1042. FOR THE DEPARTMENT OF COMMERCE

Washington Broadband Program (40000117)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.

(2) The funding in this section is provided solely for grants and loans. Of the total funds:

(a) \$10,000,000 is provided solely for loans. Moneys attributable to appropriations of state bond proceeds may not be expended for loans to nongovernmental entities.

(b) \$6,550,000 is provided solely for grants.

(3) The public works board must collaborate with the community economic revitalization board on at least:

(a) Existing universal communications account funding that will be used for grant or loan distributions in the 2019-2021 biennial period; and

(b) New grants and loans from the new statewide broadband account created in Second Substitute Senate Bill No. 5511.

Appropriation:

Public Works Assistance Account—State	\$16,550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,550,000

NEW SECTION. Sec. 1043. FOR THE DEPARTMENT OF COMMERCE

2019-21 Behavioral Rehabilitation Services Capacity Grants (40000124)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding provided in this section may be used for the renovation or construction directly associated with behavioral rehabilitation services settings. The funding provided in this section is limited to projects at facilities that are not state-owned, that add capacity to address unmet need, and are maintained as behavioral rehabilitation services capacity available to the state for at least a five-year period.

(2) It is the goal of the legislature to achieve an additional twenty-four beds of behavioral rehabilitation services capacity by the conclusion of the 2019-2021 fiscal biennium. To the maximum extent possible, the department shall prioritize the use of the funding provided in this section in a manner that facilitates achieving this goal and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(3) The department shall consult as needed with the department of children, youth, and families to ensure that, to the maximum extent possible, the use of funding provided in this section facilitates placements that will better accommodate permanency plans including, but not limited to, parent-child visitation.

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1044. FOR THE DEPARTMENT OF COMMERCE

Housing for the Homeless (91000413)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1011, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account—State	\$284,000
Prior Biennia (Expenditures)	\$28,660,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,944,000

NEW SECTION. Sec. 1045. FOR THE DEPARTMENT OF COMMERCE

Housing for Homeless Veterans (91000455)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1064, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account—State	\$72,000
Prior Biennia (Expenditures)	\$9,295,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,367,000

NEW SECTION. Sec. 1046. FOR THE DEPARTMENT OF COMMERCE

Housing for Farmworkers (91000457)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1065, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account—State	\$3,178,000
Prior Biennia (Expenditures)	\$23,872,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$27,050,000

NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF COMMERCE

Housing for People with Developmental Disabilities (91000458)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1066, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account—State	\$88,000
Prior Biennia (Expenditures)	\$8,931,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,019,000

NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom Program (91000582)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1074, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,640,000
Prior Biennia (Expenditures)	\$34,410,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,050,000

NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF COMMERCE

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CERB Administered Broadband Infrastructure (91000943)

The reappropriation and appropriation in this section are subject to the following conditions and limitations: The reappropriation and appropriation are subject to the provisions of section 1008, chapter 298, Laws of 2018. The community economic revitalization board may continue to make grants and loans until the end of the 2019-2021 fiscal biennium.

Reappropriation:

State Taxable Building Construction Account—State	\$10,000,000
Appropriation:	
Public Works Assistance Account—State	\$3,450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,450,000

NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF COMMERCE

2017-19 Stormwater Pilot Project (91001099)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$50,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF COMMERCE

2019 Local and Community Projects (91001157)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1012, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$28,000,000
Prior Biennia (Expenditures)	\$12,569,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,569,000

NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF COMMERCE

Central District Community Preservation and Development Authority (91001280)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 is provided solely for the department of commerce to support the establishment of the central district community preservation and development authority in order to facilitate the transfer of the Seattle vocational institute property located at 2120 South Jackson Street, Seattle, Washington 98144 from the Seattle central college to the authority established in House Bill No. 1918 (community preservation auth.). The department must contract with an entity that is familiar with the project, the community, and the state agencies to organize the central district community preservation and development authority.

(2) If House Bill No. 1918 is not enacted by June 30, 2019, the amounts provided in this section shall lapse.

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF COMMERCE

Port and Export Related Infrastructure (92000102)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 306, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$700,000
Prior Biennia (Expenditures)	\$32,450,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,150,000

NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF COMMERCE

Projects for Jobs & Economic Development (92000151)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1077, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

Public Facility Construction Loan Revolving Account—State	\$3,000,000
State Building Construction Account—State	\$1,000,000
Subtotal Reappropriation	\$4,000,000
Prior Biennia (Expenditures)	\$33,109,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$37,109,000

NEW SECTION. Sec. 1055. FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Youth & Families (92000227)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1079, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$19,377,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,677,000

NEW SECTION. Sec. 1056. FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Communities & Quality of Life (92000230)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 6006, chapter 3, Laws of 2015 3rd sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$1,440,000
Prior Biennia (Expenditures)	\$30,688,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,128,000

NEW SECTION. Sec. 1057. FOR THE DEPARTMENT OF COMMERCE

Community Behavioral Health Beds - Acute & Residential (92000344)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1007, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$39,399,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,399,000

NEW SECTION. Sec. 1058. FOR THE DEPARTMENT OF COMMERCE

Local & Community Projects 2016 (92000369)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1012, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$21,750,000
Prior Biennia (Expenditures)	\$107,169,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$128,919,000

NEW SECTION. Sec. 1059. FOR THE DEPARTMENT OF COMMERCE

Disaster Emergency Response (92000377)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$50,000
Prior Biennia (Expenditures)	\$1,759,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,809,000

NEW SECTION. Sec. 1060. FOR THE DEPARTMENT OF COMMERCE

Behavioral Rehabilitation Services Capacity Grants (92000611)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1061. FOR THE DEPARTMENT OF COMMERCE

Landlord Mitigation Account (92000722)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5600 (residential tenants). If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.

(2) \$1,000,000 of the appropriation in this section shall be deposited in the landlord mitigation program account.

Appropriation:

State Taxable Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1062. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Cowlitz River Dredging (20082856)

Reappropriation:

State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 1063. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Catastrophic Flood Relief (20084850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1074, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,653,000
Prior Biennia (Expenditures)	\$86,034,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$87,687,000

NEW SECTION. Sec. 1064. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Oversight of State Facilities (30000039)

Appropriation:

Thurston County Capital Facilities Account—State	\$2,610,000
Prior Biennia (Expenditures)	\$2,458,000
Future Biennia (Projected Costs)	\$10,440,000
TOTAL	\$15,508,000

NEW SECTION. Sec. 1065. FOR THE OFFICE OF FINANCIAL MANAGEMENT

OFM Capital Budget Staff (30000040)

Appropriation:

Thurston County Capital Facilities Account—State	\$1,315,000
Prior Biennia (Expenditures)	\$1,222,000
Future Biennia (Projected Costs)	\$5,260,000
TOTAL	\$7,797,000

NEW SECTION. Sec. 1066. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Emergency Repairs (90000041)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as emergency projects are approved for funding.

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 1067. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

East Plaza - Water Infiltration & Elevator Repairs (30000548)

Reappropriation:

State Building Construction Account—State	\$4,550,000
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Prior Biennia (Expenditures)	\$3,778,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,328,000

NEW SECTION. Sec. 1068. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-Term Management Planning (30000740)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1034, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,369,000
Prior Biennia (Expenditures)	\$881,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,250,000

NEW SECTION. Sec. 1069. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

State Capitol Master Plan (30000760)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a comprehensive capitol master plan.

(2) The master plan must include:

(a) An assessment of the preservation needs of each facility on the capitol campus, to include estimated costs;

(b) A prioritization of the assessed and identified preservation projects on the capitol campus, to include the rationale for the prioritization of the identified and estimated costs;

(c) An assessment of the programmatic needs of each facility on the capitol campus, to include estimated costs;

(d) A ten year planning period;

(e) Future development opportunities for land or facility use on the capitol campus; and

(f) Future development limitations for land or facility use on the capitol campus.

(3) The department must collaborate with at least the city of Olympia and the administration of the house and the senate.

(4) A preliminary master plan must be submitted to the legislative fiscal committees by December 31, 2020.

(5) The final master plan must be submitted to the legislative fiscal committees by June 30, 2021.

Appropriation:

Thurston County Capital Facilities Account—State	\$1,271,000
Prior Biennia (Expenditures)	\$240,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,511,000

NEW SECTION. Sec. 1070. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Transportation Building Preservation (30000777)

Reappropriation:

Capitol Building Construction Account—State	\$3,925,000
Prior Biennia (Expenditures)	\$57,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,982,000

NEW SECTION. Sec. 1071. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Elevator Modernization (30000786)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for elevator modernization.

(2) Reappropriation funding is for the following elevator modernizations to be completed:

(a) Plaza garage, elevator number one; and

(b) Capitol court building, elevator number one.

(3) Selection of the elevator to modernize with the new appropriation must be prioritized based on safety and security.

Reappropriation:

State Building Construction Account—State	\$1,691,000
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Appropriation:

State Building Construction Account—State	\$1,091,000
Prior Biennia (Expenditures)	\$309,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,091,000

NEW SECTION. Sec. 1072. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Systems Rehabilitation (30000791)

Reappropriation:

Capitol Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$843,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$993,000

NEW SECTION. Sec. 1073. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus Physical Security & Safety Improvements (30000812)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1025, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$1,625,000
Thurston County Capital Facilities Account—State	\$710,000
Subtotal Reappropriation	\$2,335,000
Prior Biennia (Expenditures)	\$415,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,750,000

NEW SECTION. Sec. 1074. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Statewide Minor Works - Preservation Projects (30000825)

Reappropriation:

Enterprise Services Account—State	\$207,000
State Building Construction Account—State	\$3,246,000
State Vehicle Parking Account—State	\$79,000
Subtotal Reappropriation	\$3,532,000
Prior Biennia (Expenditures)	\$368,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,900,000

NEW SECTION. Sec. 1075. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Building Envelope Repairs (30000829)

Reappropriation:

Capitol Building Construction Account—State	\$2,537,000
State Building Construction Account—State	\$2,167,000
Subtotal Reappropriation	\$4,704,000
Prior Biennia (Expenditures)	\$518,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,222,000

NEW SECTION. Sec. 1076. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Engineering & Architectural Services: Staffing (30000889)

(1) The appropriations in this section are provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year, the department must report to the office of financial management and the fiscal committees of the legislature on performance, including the following:

(a) The number of projects managed by each manager compared to previous biennia;

(b) Projects that were not completed on schedule and the reasons for the delays; and

(c) The number and cost of the change orders and the reason for each change order.

(3) At least twice per year, the department shall convene a group of private sector architects, contractors, and state agency facilities personnel to share, at a minimum, information on high performance methods, ideas, operating and maintenance issues, and cost. The facilities personnel must be from the community and technical colleges, the four-year institutions of higher education, and any other state agencies that have recently completed a new building or are currently in the construction phase.

Appropriation:

State Building Construction Account—State	\$12,000,000
Thurston County Capital Facilities Account—State	\$4,000,000
Subtotal Appropriation	\$16,000,000
Prior Biennia (Expenditures)	\$14,000,000
Future Biennia (Projected Costs)	\$64,000,000
TOTAL	\$94,000,000

NEW SECTION. Sec. 1077. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Childcare Center (40000030)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for pre-design, design, and construction of a capitol child care center at the Pro Arts site on the capitol campus.

(2) The child care center will serve a minimum of 84 children.

Appropriation:

State Building Construction Account—State	\$7,023,000
Capital Budget Construction Account—State	\$3,000,000
Subtotal Appropriation	\$10,023,000
Prior Biennia (Expenditures)	\$250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,273,000

NEW SECTION. Sec. 1078. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Roof Replacement - Cherberg and Insurance Buildings (40000032)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for roof replacement of the Cherberg building and the insurance building.

(2) Roof replacement and construction for the Cherberg building must be completed prior to roof replacement and construction for the insurance building.

(3) Architectural and engineering design documents that were worked on in the 2017-2019 biennium for at least the Cherberg building roof must be submitted to the legislative fiscal committees by July 31, 2019.

(4) A schedule for the Cherberg building roof construction must be submitted to the legislative fiscal committees by August 31, 2019.

Reappropriation:

State Building Construction Account—State	\$2,299,000
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Appropriation:

State Building Construction Account—State	\$1,798,000
Prior Biennia (Expenditures)	\$101,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,198,000

NEW SECTION. Sec. 1079. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Exterior Preservation Cleaning (40000033)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for exterior preservation cleaning and repair of the legislative building.

(2) Repair work must be completed on at least the:

- (a) Stonework and tuck pointing;
- (b) Plaza skylights;
- (c) Replacement of the balustrade on the plaza level;
- (d) Skylight over the north vestibule;
- (e) Failed drain at the north vestibule;
- (f) Colonnade windows;
- (g) Bronze doors, to include restoration;
- (h) Metal roofing repairs and waterproofing;
- (i) Minor roof repairs and waterproofing; and
- (j) Interior finishes due to water damage.

Reappropriation:

State Building Construction Account—State	\$1,947,000
Prior Biennia (Expenditures)	\$1,453,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,400,000

NEW SECTION. Sec. 1080. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

2019-21 Statewide Minor Works - Preservation Projects (40000082)

Appropriation:

Enterprise Services Account—State	\$849,000
State Building Construction Account—State	\$1,734,000
Thurston County Capital Facilities Account—State	\$773,000
Subtotal Appropriation	\$3,356,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,864,000
TOTAL	\$14,220,000

NEW SECTION. Sec. 1081. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

2019-21 Statewide Minor Works - Programmatic Projects (40000141)

Appropriation:

State Building Construction Account—State	\$496,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,289,000
TOTAL	\$4,785,000

NEW SECTION. Sec. 1082. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus-Wide Electrical Service Panels - Arc Flash Study (40000151)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for a campus-wide ARC flash hazard analysis study to assess safety risks and improve worker safety.

(2) Funding must be used to at least conduct a full on-site evaluation, evaluate the need for specialized personal protective equipment requirements, identify electrical repairs from the

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electrical service entry panels to the subpanels for code and safety compliance, and identify panel labeling deficiencies and solutions, fiscal costs, and recommendations to resolve safety risks.

(3) The department must submit a preliminary status report to the legislative fiscal committees by December 31, 2019, on at least:

(a) The estimated duration of the study, and when it will begin and end;

(b) How many staff will be trained, and by when; and

(c) How much the personal protective equipment costs per person that was identified as necessary, and how many staff need this equipment.

(4) The study is due to the legislative fiscal committees by November 30, 2020.

Appropriation:

State Building Construction Account—State	\$260,000
Thurston County Capital Facilities Account—State	\$740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1083. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Conservatory Demolition (91000442)

Reappropriation:

Thurston County Capital Facilities Account—State	\$579,000
Prior Biennia (Expenditures)	\$71,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000

NEW SECTION. Sec. 1084. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capital Campus Utility Renewal Plan (92000012)

Reappropriation:

State Building Construction Account—State	\$516,000
Prior Biennia (Expenditures)	\$1,820,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,336,000

NEW SECTION. Sec. 1085. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Newhouse Replacement (92000020)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for design and construction documents, and finalization of the predesign, for the replacement of the Newhouse building with option C outlined in the phase I predesign options submitted by the department. This funding will establish the final budget on the project.

(2) The complete and final predesign, started in the 2017-2019 biennium, must be submitted to the legislative fiscal committees by August 31, 2019.

(3) The design must assume:

(a) Replacement of the Newhouse building located on the west block of opportunity site six;

(b) A building with at least 26,000 gross square feet with a facade similar to the American neoclassical style of the existing legislative buildings;

(c) Member offices of at least similar size as member offices in the Cherberg and existing Newhouse buildings; and

(d) Space for at least ninety senate staff.

(4) The design must evaluate as an option the addition of the legislative support services staff in areas of the building separate from the areas for member offices and senate staff.

(5) The design must evaluate options for temporary office space to be used during the construction of the building.

(6) The core management team must report on predesign and design at least monthly to the vice chair and assistant ranking member for capital budget of the senate ways and means committee.

(7) The schematic design must also be submitted to the legislative fiscal committees by June 30, 2020.

(8) The construction documents must be submitted to the legislative fiscal committees by June 30, 2021.

Reappropriation:

State Building Construction Account—State	\$256,000
Appropriation:	
State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$194,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,450,000

NEW SECTION. Sec. 1086. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Skylights (92000027)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for restoration of the legislative chamber skylights.

(2) The funding is to replace the skylight openings that are located above the house of representatives and senate chambers in the legislative building with safety glass to allow as much natural light as possible into the chambers. The replacement glass must be of a quality that will provide for a reasonable assurance of safety in the event of a catastrophic event such as an earthquake.

(3) The skylight restoration project must include work on at least the following:

(a) The bronze ceiling laylight to include at least:

(i) Reducing the number of light fixtures from forty to twenty;

(ii) Utilizing energy efficient LED fixtures with a high level of light output;

(iii) Restoring the 20 laylight bronze panels;

(iv) Replacing the existing security camera;

(v) Replacing the smoke detector with a smoke sampling system connected to the existing fire alarm system;

(vi) Removing and replacing the insulation panels; and

(vii) Replacing the current speaker cluster at the center of the laylight;

(b) The skylight attic, to include at least:

(i) Painting conduit, pipes, structure, walls, and railing with a highly reflective white paint; and

(ii) Addressing the heat gain from the skylight above;

(c) The roof and skylight system, to include at least modifying the existing roof system for the new skylights; and

(d) The chambers' acoustics.

(4) The project must use a design-build process and be completed in the 2019-2021 biennium while also ensuring stakeholder work with:

(a) The city of Olympia building department;

(b) The department of archaeology and historic preservation; and

(c) Legislative stakeholders to include the secretary of the senate and the chief clerk of the house of representatives.

Appropriation:

State Building Construction Account—State	\$5,982,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,982,000

NEW SECTION. Sec. 1087. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Cleaning (92000028)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for exterior preservation cleaning and repair of one of the legislative buildings listed in subsection (3) of this section each biennium.

(2) Repair work must be completed on at least the:

- (a) Stonework;
- (b) Tuck pointing;
- (c) Skylights;
- (d) Windows;
- (e) Minor roof repairs and waterproofing; and
- (f) Interior finishes due to water damage.

(3) The legislative buildings referenced in subsection (1) of this section include only:

- (a) The legislative building;
- (b) The temple of justice;
- (c) The John A. Cherberg building;
- (d) The John L. O'Brien building;
- (e) The insurance building;
- (f) The Irv Newhouse building; and
- (g) The Pritchard building.

(4) The funding provided in the 2019-2021 biennium must be used for the insurance building.

Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$7,500,000

NEW SECTION. Sec. 1088. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Insurance Commissioner Office Building Pre-design (92000029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a pre-design study to determine space needs and cost estimates to construct a building on the capitol campus to house the office of the insurance commissioner and the state auditor's office.

(1) In determining the program space required, the pre-design must consider:

(a) The necessary program space required to support the office of the insurance commissioner, to include detail on current space usage by facility compared to proposed space usage;

(b) The necessary program space required to support the state auditor's office, to include detail on current space usage by facility compared to proposed space usage; and

(c) Parking impacts of new office space construction.

(2) The study must consider, at a minimum:

(a) The potential to fund design and construction of the building from sources other than state general obligation bonds;

(b) The financial cost analysis of current facility leases compared to the cost of a financial contract for the new building, to include operating budget cost impacts by fund source by fiscal year; and

(c) The following opportunity sites for the building, detailed in the 2017 state capitol development site study:

- (i) Site 1, the general administration building;
- (ii) Site 12, the professional arts building;
- (iii) Site 7, the old IBM building; and
- (iv) Site 6B, the visitor center;

(3) The building must be a:

(a) High performance building and meet net-zero-ready standards, with an energy use intensity of no greater than thirty-five;

(b) Building construction that must be procured using a performance-based method such as design-build and must include an energy performance guarantee comparing actual performance data with the energy design target; and

(c) Design that includes cross-laminated timber products.

(4) The pre-design study must result in:

(a) A preliminary report being submitted to the fiscal committees of the legislature by February 28, 2020; and

(b) A final report being submitted to the fiscal committees of the legislature by June 30, 2020.

Appropriation:

Insurance Commissioners Regulatory Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 1089. FOR THE MILITARY DEPARTMENT

King County Area Readiness Center (30000592)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to acquire land in King county for a readiness center. If the department has not signed a purchase and sale agreement by June 30, 2021, the amounts provided in this section shall lapse.

Appropriation:

State Building Construction Account—State	\$4,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$83,900,000
TOTAL	\$88,400,000

NEW SECTION. Sec. 1090. FOR THE MILITARY DEPARTMENT

Thurston County Readiness Center (30000594)

Reappropriation:

General Fund—Federal	\$28,881,000
Military Department Capital Account—State	\$427,000
State Building Construction Account—State	\$7,978,000
Subtotal Reappropriation	\$37,286,000
Prior Biennia (Expenditures)	\$10,666,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$47,952,000

NEW SECTION. Sec. 1091. FOR THE MILITARY DEPARTMENT

Tri-Cities Readiness Center (30000808)

Reappropriation:

General Fund—Federal	\$499,000
Appropriation:	
General Fund—Federal	\$11,400,000
State Building Construction Account—State	\$3,800,000
Subtotal Appropriation	\$15,200,000
Prior Biennia (Expenditures)	\$2,201,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,900,000

NEW SECTION. Sec. 1092. FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2017-19 Biennium (30000811)

Reappropriation:

General Fund—Federal	\$2,071,000
Military Department Capital Account—State	\$51,000
State Building Construction Account—State	\$1,385,000

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Subtotal Reappropriation	\$3,507,000
Prior Biennia (Expenditures)	\$2,298,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,805,000

NEW SECTION. Sec. 1093. FOR THE MILITARY DEPARTMENT

Minor Works Program 2017-19 Biennium (30000812)

Reappropriation:

General Fund—Federal	\$20,395,000
Military Department Capital Account—State	\$75,000
State Building Construction Account—State	\$1,814,000
Subtotal Reappropriation	\$22,284,000
Prior Biennia (Expenditures)	\$2,413,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,697,000

NEW SECTION. Sec. 1094. FOR THE MILITARY DEPARTMENT

Centralia Readiness Center (30000818)

Reappropriation:

General Fund—Federal	\$2,289,000
State Building Construction Account—State	\$2,287,000
Subtotal Reappropriation	\$4,576,000

Appropriation:

General Fund—Federal	\$2,000,000
Prior Biennia (Expenditures)	\$174,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,750,000

NEW SECTION. Sec. 1095. FOR THE MILITARY DEPARTMENT

Kent Readiness Center (30000917)

Appropriation:

General Fund—Federal	\$4,150,000
State Building Construction Account—State	\$380,000
Subtotal Appropriation	\$4,530,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,530,000

NEW SECTION. Sec. 1096. FOR THE MILITARY DEPARTMENT

Anacortes Readiness Center Major Renovation (40000004)

The appropriation in this section is subject to the following conditions and limitations: \$75,000 is provided solely for a predesign.

Appropriation:

State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000

NEW SECTION. Sec. 1097. FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2019-21 Biennium (40000036)

Appropriation:

General Fund—Federal	\$5,224,000
State Building Construction Account—State	\$2,756,000
Subtotal Appropriation	\$7,980,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,980,000

NEW SECTION. Sec. 1098. FOR THE MILITARY DEPARTMENT

Minor Works Program 2019-21 Biennium (40000037)

Appropriation:

General Fund—Federal	\$21,630,000
Military Department Capital Account—State	\$109,000
State Building Construction Account—State	\$2,259,000
Subtotal Appropriation	\$23,998,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,998,000

NEW SECTION. Sec. 1099. FOR THE MILITARY DEPARTMENT

Camp Murray Soldiers Memorial Park (40000062)

Appropriation:

Military Department Capital Account—State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000

NEW SECTION. Sec. 1100. FOR THE MILITARY DEPARTMENT

Stryker Canopies Kent Site (40000073)

Appropriation:

General Fund—Federal	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 1101. FOR THE MILITARY DEPARTMENT

Stryker Canopies Bremerton Site (40000077)

Appropriation:

General Fund—Federal	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 1102. FOR THE MILITARY DEPARTMENT

Montesano Field Maintenance Shop (FMS) Addition (40000095)

Appropriation:

General Fund—Federal	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 1103. FOR THE MILITARY DEPARTMENT

Joint Base Lewis-McChord (JBLM) 3106 Helicopter Port (40000100)

Appropriation:

General Fund—Federal	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1104. FOR THE MILITARY DEPARTMENT

Air Support Operations Group (ASOG) Complex (40000163)

Appropriation:

General Fund—Federal	\$4,766,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$27,622,000
TOTAL	\$32,388,000

NEW SECTION. Sec. 1105. FOR THE MILITARY DEPARTMENT

Mission Support Group/Logistics/Communications (MSG-Comm) Facility (40000167)

Appropriation:

General Fund—Federal	\$2,114,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$31,284,000
TOTAL	\$33,398,000

NEW SECTION. Sec. 1106. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
 Historic Cemetery Grant Program (30000021)

Reappropriation:

State Building Construction Account—State	\$444,000
Prior Biennia (Expenditures)	\$56,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 1107. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
 Rehabilitation of Beverly Bridge (30000022)

The appropriation in this section is subject to the following conditions and limitations: Upon the completion of the rehabilitation of the Beverly bridge, the state parks and recreation commission, the department of natural resources, and the department of archaeology and historic preservation shall enter into a memorandum of agreement which includes, but is not limited to: (1) A requirement for the payment of fees for conveyance of electrical utilities across the bridge; (2) certification of the safety for vehicular use of the bridge; (3) use of the bridge by motorized emergency vehicles; (4) motorized use of the bridge by workers of orchards within a one mile radius of the bridge; and (5) a traffic management system and schedule to avoid conflicts among recreational users of the trail and permitted vehicular use.

Appropriation:

General Fund—Private/Local	\$429,000
State Building Construction Account—State	\$5,146,000
Subtotal Appropriation	\$5,575,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,575,000

NEW SECTION. Sec. 1108. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
 2019-21 Historic County Courthouse Grants Program (30000023)

The appropriation in this section is provided solely for the following list of projects:

Columbia	\$122,000
Benton	\$34,000
Lewis	\$120,000
Klickitat	\$304,000
Clark	\$39,000
Jefferson	\$300,000
Spokane	\$200,000
Appropriation:	
State Building Construction Account—State	\$1,119,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,119,000

NEW SECTION. Sec. 1109. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
 2019-21 Heritage Barn Preservation Program (30000024)

Appropriation:

State Building Construction Account—State	\$515,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,060,000
TOTAL	\$2,575,000

NEW SECTION. Sec. 1110. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
 2019-21 Historic Cemetery Grant Program (40000001)

Appropriation:

State Building Construction Account—State	\$515,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,060,000
TOTAL	\$2,575,000

NEW SECTION. Sec. 1111. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
 Ebey's National Historic Reserve (40000003)

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 1112. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
 Heritage Barn Preservation Program 2017-19 (92000010)

Reappropriation:

State Building Construction Account—State	\$515,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$515,000

NEW SECTION. Sec. 1113. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
 Historic County Courthouse Grants Program 2017-19 (92000011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1057, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$1,116,000
Prior Biennia (Expenditures)	\$21,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,137,000

**PART 2
 HUMAN SERVICES**

NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION
 Omnibus Minor Works (40000003)

Appropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 2002. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES
 L&I HQ Elevators (30000018)

Reappropriation:

Accident Account—State	\$342,000
Medical Aid Account—State	\$342,000
Subtotal Reappropriation	\$684,000
Appropriation:	
Accident Account—State	\$1,450,000
Medical Aid Account—State	\$1,450,000
Subtotal Appropriation	\$2,900,000
Prior Biennia (Expenditures)	\$350,000

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Future Biennia (Projected Costs)	\$0
TOTAL	\$3,934,000

TOTAL	\$1,000,000
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NEW SECTION. Sec. 2003. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Cooling System Replacement (30000019)

Appropriation:

Accident Account—State	\$1,283,000
Medical Aid Account—State	\$1,283,000
Subtotal Appropriation	\$2,566,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,566,000

NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School-Back-Up Power & Electrical Feeders (30000415)

Reappropriation:

State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$2,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,200,000

NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Minor Works Preservation Projects (30000035)

Appropriation:

Accident Account—State	\$1,244,000
Medical Aid Account—State	\$1,239,000
Subtotal Appropriation	\$2,483,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,558,000
TOTAL	\$11,041,000

NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: New Boiler Plant (30000468)

Reappropriation:

State Building Construction Account—State	\$387,000
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Appropriation:

State Building Construction Account—State	\$12,764,000
Prior Biennia (Expenditures)	\$178,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,329,000

NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Modernize Lab and Training Facility (30000043)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for design and construction of a new lab and training facility.
- (2) The new facility must be shared between the department of labor and industries and the department of agriculture.
- (3) The facility must be at least 53,000 gross square feet.
- (4) The new facility must include labs for both the department of labor and industries and the department of agriculture.

Appropriation:

Accident Account—State	\$45,223,000
Medical Aid Account—State	\$7,980,000
Subtotal Appropriation	\$53,203,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$53,203,000

NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide (30001859)

Reappropriation:

State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures)	\$855,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,455,000

NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital New Kitchen and Commissary Building (20081319)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2003, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$18,000,000
Prior Biennia (Expenditures)	\$12,190,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,190,000

NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide (30002235)

Reappropriation:

State Building Construction Account—State	\$10,494,000
Prior Biennia (Expenditures)	\$16,191,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,685,000

NEW SECTION. Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village: Code Required Campus Infrastructure Upgrades (30002238)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$2,425,000
State Building Construction Account—State	\$1,464,000
Subtotal Reappropriation	\$3,889,000

Appropriation:

State Building Construction Account—State	\$6,080,000
Prior Biennia (Expenditures)	\$1,111,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,080,000

NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center: Kitchen & Dining Room Upgrades (20081506)

Reappropriation:

State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures)	\$400,000
Future Biennia (Projected Costs)	\$0

NEW SECTION. Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-South Hall: Building Systems Replacement (30002735)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$2,294,000
Prior Biennia (Expenditures)	\$2,156,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,450,000

NEW SECTION. Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School-Nursing Facilities: Replacement (30002755)
 Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$45,000,000
TOTAL	\$50,300,000

NEW SECTION. Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)
 Reappropriation:

State Building Construction Account—State	\$2,200,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,400,000

NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Forensic Services: Two Wards Addition (30002765)
 Reappropriation:

State Building Construction Account—State	\$329,000
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Appropriation:

State Building Construction Account—State	\$28,700,000
Prior Biennia (Expenditures)	\$1,471,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,500,000

NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island-Infrastructure: Repairs & Upgrades (30003211)
 Appropriation:

State Building Construction Account—State	\$2,735,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,735,000

NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island-Infrastructure: Water System Replacement (30003213)
 Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$508,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,508,000

NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-East Campus: Wards Preservation & Renewal (30003241)
 Reappropriation:

State Building Construction Account—State	\$1,050,000
Prior Biennia (Expenditures)	\$550,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-East Campus: Building Systems Replacement (30003244)
 Reappropriation:

State Building Construction Account—State	\$2,488,000
Prior Biennia (Expenditures)	\$912,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$3,400,000

NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: CLIP Capacity (30003324)
 Reappropriation:

State Building Construction Account—State	\$11,700,000
Prior Biennia (Expenditures)	\$1,244,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,944,000

NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center-King County SCTF: Expansion (30003564)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2010, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$2,110,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,610,000

NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Psychiatric Hospitals: Compliance with Federal Requirements (30003569)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2015, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$1,650,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Master Plan Update (30003571)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2016, chapter 2, Laws of 2018.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$200,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Yakima Valley School-Multiple Buildings: Safety Improvements (30003573)

Reappropriation:

State Building Construction Account—State	\$350,000
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Appropriation:

State Building Construction Account—State	\$1,375,000
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,875,000

NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

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Special Commitment Center-Community Facilities: New Capacity (30003577)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department must consult with the communities that are potential sites for these facilities.

(2) The reappropriation is subject to the provisions of section 2027, chapter 2, Laws of 2018.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State \$399,000

Appropriation:

State Building Construction Account—State \$4,000,000
 Prior Biennia (Expenditures) \$101,000
 Future Biennia (Projected Costs) \$12,000,000
 TOTAL \$16,500,000

NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-East Campus: New Security Fence (30003578)

Reappropriation:

State Building Construction Account—State \$1,060,000
 Prior Biennia (Expenditures) \$660,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,720,000

NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Fire Suppression (30003579)

Reappropriation:

State Building Construction Account—State \$950,000
 Prior Biennia (Expenditures) \$50,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Elevator Modernization (30003582)

Appropriation:

State Building Construction Account—State \$1,468,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$1,275,000
 TOTAL \$2,743,000

NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Windows Security (30003585)

Reappropriation:

State Building Construction Account—State \$2,250,000
 Prior Biennia (Expenditures) \$300,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,550,000

NEW SECTION. Sec. 2031. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Campus Master Plan & Rezone (30003601)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2012, chapter 298, Laws of 2018.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State \$143,000
 Prior Biennia (Expenditures) \$57,000

Future Biennia (Projected Costs) \$0
 TOTAL \$200,000

NEW SECTION. Sec. 2032. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Forensic Services: Roofing Replacement (30003603)

Reappropriation:

State Building Construction Account—State \$955,000
 Prior Biennia (Expenditures) \$1,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,955,000

NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Emergency Electrical System: Upgrades (30003616)

Reappropriation:

State Building Construction Account—State \$900,000
 Prior Biennia (Expenditures) \$100,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 4, Laws of 2017, 3rd sp. sess.

Reappropriation:

State Building Construction Account—State \$3,616,000
 Prior Biennia (Expenditures) \$5,284,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,900,000

NEW SECTION. Sec. 2035. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Building 28: Treatment & Recovery Center (40000024)

Reappropriation:

State Building Construction Account—State \$467,000
 Prior Biennia (Expenditures) \$133,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$600,000

NEW SECTION. Sec. 2036. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Wards Renovations for Forensic Services (40000026)

Reappropriation:

State Building Construction Account—State \$10,246,000
 Prior Biennia (Expenditures) \$314,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$10,560,000

NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital Renovations for Treatment Recovery Center (40000029)

Reappropriation:

State Building Construction Account—State \$277,000
 Prior Biennia (Expenditures) \$123,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$400,000

NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide 2019-21
(40000381)

Appropriation:
Charitable, Educational, Penal, and Reformatory

Institutions Account—State	\$4,125,000
State Building Construction Account—State	\$10,180,000
Subtotal Appropriation	\$14,305,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$174,305,000

NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide 2019-21
(40000382)

Appropriation:
Charitable, Educational, Penal, and Reformatory

Institutions Account—State	\$1,155,000
State Building Construction Account—State	\$1,540,000
Subtotal Appropriation	\$2,695,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$26,695,000

NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Emergency Power System: Essential Upgrades (40000383)

Appropriation:

State Building Construction Account—State	\$3,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,200,000

NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: New Emergency Power Generator (40000384)

Appropriation:

State Building Construction Account—State	\$4,265,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,265,000

NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: New 500-Bed Hospital (40000385)

The appropriation in this section is subject to the following conditions and limitations. If Substitute Senate Bill No. 5537 (behavioral health facilities) is not enacted by June 30, 2019, and ratified by the people by December 5, 2019, then the community behavioral health account appropriation provided in this section shall lapse.

Appropriation:

Community Behavioral Health Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$299,500,000
TOTAL	\$300,500,000

NEW SECTION. Sec. 2043. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School-PATs A, E & C: Cottage Cooling Upgrades (40000391)

Appropriation:

State Building Construction Account—State	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	\$8,000,000
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NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Fire Doors Replacement (40000392)

Appropriation:

State Building Construction Account—State	\$5,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,100,000

NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Campus: Fire Alarm System Upgrades (40000393)

Appropriation:

State Building Construction Account—State	\$5,835,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,835,000

NEW SECTION. Sec. 2046. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School-Multiple Buildings: Fire Alarm Upgrades (40000395)

Appropriation:

State Building Construction Account—State	\$2,925,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,925,000

NEW SECTION. Sec. 2047. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School-Multiple Buildings: Fire Alarm Upgrades (40000396)

Appropriation:

State Building Construction Account—State	\$1,465,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,465,000

NEW SECTION. Sec. 2048. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Eastlake & Westlake: Fire & Smoke Controls (40000404)

Appropriation:

State Building Construction Account—State	\$2,050,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,050,000

NEW SECTION. Sec. 2049. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake: Fire Stops (40000405)

Appropriation:

State Building Construction Account—State	\$2,130,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,130,000

NEW SECTION. Sec. 2050. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center-Fire House: Electrical Upgrades (40000422)

Appropriation:

State Building Construction Account—State	\$1,535,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

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TOTAL	\$1,535,000
NEW SECTION. Sec. 2051. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES	
Eastern State Hospital-EL & WL: HVAC Compliance & Monitoring (40000492)	
Appropriation:	
State Building Construction Account—State	\$1,915,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,915,000

NEW SECTION. Sec. 2052. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES	
BH: State Operated Community Civil Long-Term Inpatient Capacity (92000029)	
Appropriation:	
State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 2053. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES	
ESH and WSH-All Wards: Patient Safety Improvements (91000019)	
Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	
	\$2,900,000
Appropriation:	
State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$6,969,000
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$39,869,000

NEW SECTION. Sec. 2054. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES	
Eastern State Hospital Forensic Ward (91000050)	
Reappropriation:	
State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 2055. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES	
Eastern State Hospital: Additional Forensic Ward (91000062)	
Reappropriation:	
State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$3,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 2056. FOR THE DEPARTMENT OF HEALTH	
Newborn Screening Wing Addition (30000301)	
Reappropriation:	
State Building Construction Account—State	\$2,805,000
Prior Biennia (Expenditures)	\$2,829,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,634,000

NEW SECTION. Sec. 2057. FOR THE DEPARTMENT OF HEALTH	
Drinking Water Preconstruction Loans (30000334)	
Reappropriation:	
Drinking Water Assistance Account—State	\$5,450,000
Prior Biennia (Expenditures)	\$550,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 2058. FOR THE DEPARTMENT OF HEALTH	
Drinking Water Assistance Program (30000336)	
Reappropriation:	
Drinking Water Assistance Account—Federal	\$125,000
Prior Biennia (Expenditures)	\$31,875,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,000,000

NEW SECTION. Sec. 2059. FOR THE DEPARTMENT OF HEALTH	
Public Health Lab South Laboratory Addition (30000379)	
Appropriation:	
State Building Construction Account—State	\$196,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$27,229,000
TOTAL	\$27,425,000

NEW SECTION. Sec. 2060. FOR THE DEPARTMENT OF HEALTH	
New Central Boiler Plant (30000381)	
Appropriation:	
State Building Construction Account—State	\$558,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,065,000
TOTAL	\$7,623,000

NEW SECTION. Sec. 2061. FOR THE DEPARTMENT OF HEALTH	
Drinking Water Construction Loans (30000409)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2034, chapter 2, Laws of 2018.	
Reappropriation:	
Drinking Water Assistance Account—State	\$51,279,000
Prior Biennia (Expenditures)	\$66,721,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$118,000,000

NEW SECTION. Sec. 2062. FOR THE DEPARTMENT OF HEALTH	
Drinking Water System Repairs and Consolidation (40000006)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2035, chapter 2, Laws of 2018.	
Reappropriation:	
State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 2063. FOR THE DEPARTMENT OF HEALTH	
Minor Works - Preservation (40000011)	
Appropriation:	
State Building Construction Account—State	\$279,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$279,000

NEW SECTION. Sec. 2064. FOR THE DEPARTMENT OF HEALTH	
Minor Works - Program (40000012)	
Appropriation:	

State Building Construction Account—State	\$417,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$417,000

NEW SECTION. Sec. 2065. FOR THE DEPARTMENT OF HEALTH

2019-21 Drinking Water Assistance Program (40000025)
 Appropriation:

Drinking Water Assistance Account—Federal	\$35,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$128,000,000
TOTAL	\$163,000,000

NEW SECTION. Sec. 2066. FOR THE DEPARTMENT OF HEALTH

2019-21 Drinking Water System Repairs and Consolidation (40000027)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to well-managed, publicly-owned group A water utilities for the repair and consolidation of group A and B water systems under the following conditions:

(1) A grant can be provided when a water system has been voluntarily transferred to a publicly owned water utility within the last three years. The grant may be used for repair and consolidation costs.

(2) The grant applicant must provide the department of health with an accounting of rehabilitation costs and the value of the system. The grant must be used primarily to cover project design and construction costs, and only in limited cases to cover the cost of system acquisitions, as determined by the department of health in evaluating grant applications.

(3) Grants must primarily be used to cover project construction costs that customers benefiting from the project cannot afford to repay through loans, as determined by the department of health and the publicly owned utility receiving the grant to complete the project.

(4) Applicants must provide a plan demonstrating that project completion will occur within three years of the grant contract execution.

(5) Each grant must be less than twenty-five percent of the total appropriation.

(6) The primary purpose of this appropriation is to fund water system repair and consolidation construction costs. However, the department may use up to \$75,000 under this section for grants for feasibility review of water system repair and consolidation projects that would meet the objectives of this section and RCW 70.119A.190.

Appropriation:

Public Works Assistance Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$45,000,000

NEW SECTION. Sec. 2067. FOR THE DEPARTMENT OF HEALTH

2019-21 Drinking Water Construction Loans - State Match (40000029)

Appropriation:

Drinking Water Assistance Account—State	\$11,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$51,000,000

NEW SECTION. Sec. 2068. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program 2017-19 (92000025)
 Reappropriation:

Drinking Water Assistance Account—Federal	\$32,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,000,000

NEW SECTION. Sec. 2069. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Washington Veterans Home: Bldg 6 & 7 Demo and Grounds Improvement (30000002)

Appropriation:

State Building Construction Account—State	\$3,335,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,335,000

NEW SECTION. Sec. 2070. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works Facilities Preservation (30000094)

Appropriation:

State Building Construction Account—State	\$4,371,000
Prior Biennia (Expenditures)	\$3,313,000
Future Biennia (Projected Costs)	\$11,445,000
TOTAL	\$19,129,000

NEW SECTION. Sec. 2071. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works Program (30000131)

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$670,000
Future Biennia (Projected Costs)	\$6,380,000
TOTAL	\$7,550,000

NEW SECTION. Sec. 2072. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSVC - Additional Internment Vaults and Roadway (30000215)

Reappropriation:

General Fund—Federal	\$2,700,000
State Building Construction Account—State	\$300,000
Subtotal Reappropriation	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 2073. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 10 (40000004)

Reappropriation:

State Building Construction Account—State	\$625,000
Prior Biennia (Expenditures)	\$125,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2074. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WVH HVAC Retrofit (40000006)

Appropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2075. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Echo Glen-Housing Unit: Acute Mental Health Unit (30002736)

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The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:

State Building Construction Account—State	\$9,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,600,000

NEW SECTION. Sec. 2076. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Statewide-RA Community Facilities: Safety & Security Improvements (30002737)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 2077. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill School-Recreation Building: Replacement (30003237)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:

State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000

NEW SECTION. Sec. 2078. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Echo Glen Children's Center: Academic School (30003242)

Appropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$37,976,000
TOTAL	\$38,176,000

NEW SECTION. Sec. 2079 FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill School-Campus: Security & Surveillance Upgrades (30003580)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly

administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 2080. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Minor Works Preservation Projects: Statewide 2019-21 (40000400)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$1,600,000
State Building Construction Account—State	\$1,400,000
Subtotal Appropriation	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$54,110,000
TOTAL	\$57,110,000

NEW SECTION. Sec. 2081. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Echo Glen Children's Center-Infrastructure: Fire & Duress Alarms (40000421)

Appropriation:

State Building Construction Account—State	\$2,015,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,015,000

NEW SECTION. Sec. 2082. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Benton-Franklin Juvenile Justice Center At-Risk Youth Services (92000033)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the final design and construction of an at-risk youth services center in Kennewick, Washington. The department must contract with Benton and Franklin counties to carry out this project.

Appropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2083. FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Boiler Replacement (30000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2025, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$830,000
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$5,000,000
State Building Construction Account—State	\$6,120,000
Subtotal Appropriation	\$11,120,000
Prior Biennia (Expenditures)	\$170,000
Future Biennia (Projected Costs)	\$0

TOTAL	\$12,120,000
NEW SECTION. Sec. 2084. FOR THE DEPARTMENT OF CORRECTIONS	
Washington Corrections Center: Transformers and Switches (30000143)	
Reappropriation:	
State Building Construction Account—State	\$3,300,000
Appropriation:	
State Building Construction Account—State	\$16,435,000
Prior Biennia (Expenditures)	\$850,000
Future Biennia (Projected Costs)	\$22,685,000
TOTAL	\$43,270,000

NEW SECTION. Sec. 2085. FOR THE DEPARTMENT OF CORRECTIONS	
Washington Corrections Center: Replace Roofs (30000654)	
Reappropriation:	
State Building Construction Account—State	\$675,000
Appropriation:	
State Building Construction Account—State	\$4,540,000
Prior Biennia (Expenditures)	\$1,595,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,810,000

NEW SECTION. Sec. 2086. FOR THE DEPARTMENT OF CORRECTIONS	
CBCC: Replace Fire Alarm System (30000748)	
Reappropriation:	
State Building Construction Account—State	\$180,000
Appropriation:	
State Building Construction Account—State	\$5,284,000
Prior Biennia (Expenditures)	\$175,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,639,000

NEW SECTION. Sec. 2087. FOR THE DEPARTMENT OF CORRECTIONS	
CBCC: Security Video System (30000800)	
Reappropriation:	
State Building Construction Account—State	\$2,300,000
Prior Biennia (Expenditures)	\$3,738,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,038,000

NEW SECTION. Sec. 2088. FOR THE DEPARTMENT OF CORRECTIONS	
WCCW: Bldg E Roof Replacement (30000810)	
Reappropriation:	
State Building Construction Account—State	\$1,674,000
Prior Biennia (Expenditures)	\$1,022,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,696,000

NEW SECTION. Sec. 2089. FOR THE DEPARTMENT OF CORRECTIONS	
MCC: Security Video Camera Installation (30001066)	
Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	
State Building Construction Account—State	\$1,000,000
State Building Construction Account—State	\$4,500,000
Subtotal Appropriation	\$5,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,500,000
TOTAL	\$11,000,000

NEW SECTION. Sec. 2090. FOR THE DEPARTMENT OF CORRECTIONS	
WSP: Program and Support Building (30001101)	

Reappropriation:	
State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$10,085,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,585,000

NEW SECTION. Sec. 2091 FOR THE DEPARTMENT OF CORRECTIONS	
Prison Capacity Expansion (30001105)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2059, chapter 3, Laws of 2015 3rd sp. sess.	
Reappropriation:	
State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$4,400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,800,000

NEW SECTION. Sec. 2092 FOR THE DEPARTMENT OF CORRECTIONS	
MCC ADA Compliance Retrofit (30001118)	
Reappropriation:	
State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2093 FOR THE DEPARTMENT OF CORRECTIONS	
SW IMU Recreation Yard Improvement (30001123)	
Reappropriation:	
State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 2094 FOR THE DEPARTMENT OF CORRECTIONS	
CRCC Security Electronics Network Renovation (30001124)	
Reappropriation:	
State Building Construction Account—State	\$5,900,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 2095 FOR THE DEPARTMENT OF CORRECTIONS	
MLCC: 128 Bed Minimum Camp (30001168)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2053, chapter 2, Laws of 2018.

Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	
State Building Construction Account—State	\$1,780,000
State Building Construction Account—State	\$1,900,000
Subtotal Reappropriation	\$3,680,000
Prior Biennia (Expenditures)	\$661,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,341,000

NEW SECTION. Sec. 2096 FOR THE DEPARTMENT OF CORRECTIONS	
WCC: Reclaimed Water Line (40000058)	
Appropriation:	
State Building Construction Account—State	\$1,987,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

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TOTAL	\$1,987,000
<u>NEW SECTION. Sec. 2097 FOR THE DEPARTMENT OF CORRECTIONS</u>	
AHCC: Reclaimed Water (40000059)	
Appropriation:	
State Building Construction Account—State	\$1,943,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,943,000

<u>NEW SECTION. Sec. 2098 FOR THE DEPARTMENT OF CORRECTIONS</u>	
WCCW: Security Fence at MSC for New Medium Capacity (40000173)	
Appropriation:	
State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

<u>NEW SECTION. Sec. 2099. FOR THE DEPARTMENT OF CORRECTIONS</u>	
MCC: Sewer System HABU (Highest and Best Use) (40000185)	
The appropriation in this section is subject to the following conditions and limitations: \$800,000 is provided solely for the pumping of biosolids from the sewer lagoon.	
Appropriation:	
State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

<u>NEW SECTION. Sec. 2100. FOR THE DEPARTMENT OF CORRECTIONS</u>	
Minor Works - Preservation Projects (40000187)	
Appropriation:	
State Building Construction Account—State	\$14,442,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$73,965,000
TOTAL	\$88,407,000

<u>NEW SECTION. Sec. 2101. FOR THE DEPARTMENT OF CORRECTIONS</u>	
WSP: BAR Unit Door Conversions (91000431)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to implement the settlement agreement in <i>Disability Rights Washington v. Inslee, et al.</i> , U.S. District Court-Western District, Case No. 18-5071, for the portions of the agreement that require modification to existing booth-controlled cell door mechanisms in one treatment unit in the Washington state penitentiary. If the settlement agreement is not fully executed and approved by the court before June 30, 2020, this appropriation shall lapse.	
Appropriation:	
State Building Construction Account—State	\$1,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,250,000

**PART 3
NATURAL RESOURCES**

<u>NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY</u>	
Water Supply Facilities (19742006)	
Reappropriation:	

State and Local Improvements Revolving Account	
(Water Supply Facilities)—State	\$295,000
Prior Biennia (Expenditures)	\$15,116,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,411,000

<u>NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY</u>	
Low-Level Nuclear Waste Disposal Trench Closure (19972012)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3002, chapter 3, Laws of 2015 3rd sp. sess.	
Reappropriation:	
Site Closure Account—State	\$8,505,000
Prior Biennia (Expenditures)	\$6,928,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,433,000

<u>NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY</u>	
Twin Lake Aquifer Recharge Project (20042951)	
Reappropriation:	
State Building Construction Account—State	\$156,000
Prior Biennia (Expenditures)	\$594,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

<u>NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY</u>	
Quad Cities Water Right Mitigation (20052852)	
Reappropriation:	
State Building Construction Account—State	\$116,000
Prior Biennia (Expenditures)	\$1,484,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

<u>NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY</u>	
Columbia River Basin Water Supply Development Program (20062950)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3008, chapter 49, Laws of 2011 1st sp. sess.	
Reappropriation:	
Columbia River Basin Water Supply	
Development Account—State	\$2,076,000
Prior Biennia (Expenditures)	\$89,424,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$91,500,000

<u>NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY</u>	
Transfer of Water Rights for Cabin Owners (20081951)	
Reappropriation:	
State Building Construction Account—State	\$69,000
Prior Biennia (Expenditures)	\$381,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

<u>NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY</u>	
Watershed Plan Implementation and Flow Achievement (30000028)	
Reappropriation:	
State Building Construction Account—State	\$275,000
Prior Biennia (Expenditures)	\$5,721,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$5,996,000

NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Appropriation:	
Model Toxics Control Capital Account—State	\$3,813,000
Prior Biennia (Expenditures)	\$71,296,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,109,000

NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000144)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess. and section 3002, chapter 35, Laws of 2016 sp. sess.

Appropriation:	
Model Toxics Control Capital Account—State	\$324,000
Prior Biennia (Expenditures)	\$38,710,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,034,000

NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000213)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3030, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:	
State Building Construction Account—State	\$432,000
Prior Biennia (Expenditures)	\$7,568,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000216)

Appropriation:	
Model Toxics Control Capital Account—State	\$19,152,000
Prior Biennia (Expenditures)	\$43,712,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,864,000

NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000265)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3005, chapter 35, Laws of 2016 sp. sess.

Appropriation:	
Model Toxics Control Capital Account—State	\$161,000
Prior Biennia (Expenditures)	\$15,041,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,202,000

NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY

Yakima Basin Integrated Water Management Plan Implementation (30000278)

Reappropriation:	
State Building Construction Account—State	\$52,000
Prior Biennia (Expenditures)	\$1,827,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,879,000

NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY

ASARCO - Tacoma Smelter Plume and Mines (30000280)

Reappropriation:	
Cleanup Settlement Account—State	\$2,855,000
Prior Biennia (Expenditures)	\$17,792,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,647,000

NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Federal Capital Projects (30000282)

Reappropriation:	
General Fund—Federal	\$553,000
Prior Biennia (Expenditures)	\$247,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000326)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3066, chapter 19, Laws of 2013 2nd sp. sess.

Appropriation:	
Model Toxics Control Capital Account—State	\$3,526,000
Prior Biennia (Expenditures)	\$46,474,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY

Coastal Wetlands Federal Funds (30000328)

Reappropriation:	
General Fund—Federal	\$5,180,000
Prior Biennia (Expenditures)	\$4,620,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,800,000

NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000331)

Reappropriation:	
State Building Construction Account—State	\$2,956,000
Prior Biennia (Expenditures)	\$7,044,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY

Dungeness Water Supply & Mitigation (30000333)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:	
State Building Construction Account—State	\$924,000
Prior Biennia (Expenditures)	\$1,126,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,050,000

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NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000334)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3044, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Cleanup Settlement Account—State	\$2,095,000
Prior Biennia (Expenditures)	\$34,565,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,660,000

NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Federal Capital Projects - Programmatic (30000335)

Reappropriation:

General Fund—Federal	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000337)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3007, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$1,940,000
Prior Biennia (Expenditures)	\$23,115,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,055,000

NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000351)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3008, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$169,000
Prior Biennia (Expenditures)	\$7,431,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,600,000

NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000372)

Reappropriation:

Columbia River Basin Taxable Bond Water Supply Development Account—State	\$45,000
Columbia River Basin Water Supply Development Account—State	\$514,000
Subtotal Reappropriation	\$559,000
Prior Biennia (Expenditures)	\$73,941,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$74,500,000

NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Supply (30000373)

Reappropriation:

State Building Construction Account—State	\$926,000
Prior Biennia (Expenditures)	\$31,174,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$32,100,000

NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000374)

Appropriation:

Model Toxics Control Capital Account—State	\$10,710,000
Prior Biennia (Expenditures)	\$51,827,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,537,000

NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000389)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3080, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$23,000
Prior Biennia (Expenditures)	\$3,977,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000427)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are subject to the provisions of section 3009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,171,000
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Appropriation:

Model Toxics Control Capital Account—State	\$3,436,000
Prior Biennia (Expenditures)	\$17,893,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,500,000

NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup and Prevention (30000431)

Reappropriation:

Waste Tire Removal Account—State	\$200,000
Prior Biennia (Expenditures)	\$800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000432)

Appropriation:

Model Toxics Control Capital Account—State	\$8,908,000
Prior Biennia (Expenditures)	\$992,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,900,000

NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000458)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$32,753,000
Prior Biennia (Expenditures)	\$19,994,000
Future Biennia (Projected Costs)	\$0

TOTAL	\$52,747,000
<u>NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY</u>	
Leaking Tank Model Remedies (30000490)	
Appropriation:	
Model Toxics Control Capital Account—State	\$672,000
Prior Biennia (Expenditures)	\$1,328,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Program (30000534)	
The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3061, chapter 3, Laws of 2015 3rd sp. sess.	
Reappropriation:	
Water Pollution Control Revolving Account—	
Federal	\$18,711,000
Water Pollution Control Revolving Account—State	\$118,465,000
Subtotal Reappropriation	\$137,176,000
Prior Biennia (Expenditures)	\$65,824,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$203,000,000

NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY

Stormwater Financial Assistance Program (30000535)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3012, chapter 35, Laws of 2016 sp. sess.	
Appropriation:	
Model Toxics Control Stormwater Account—State	\$27,816,000
Prior Biennia (Expenditures)	\$3,384,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,200,000

NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY

Coastal Wetlands Federal Funds (30000536)	
Reappropriation:	
General Fund—Federal	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design (30000537)	
Reappropriation:	
State Building Construction Account—State	\$19,149,000
Prior Biennia (Expenditures)	\$16,411,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,560,000

NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000538)	
Reappropriation:	
Cleanup Settlement Account—State	\$3,669,000
Prior Biennia (Expenditures)	\$8,477,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,146,000

NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxics Sites - Puget Sound (30000542)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.	
Appropriation:	
Model Toxics Control Capital Account—State	\$7,917,000
Prior Biennia (Expenditures)	\$6,464,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,381,000

NEW SECTION. Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000587)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3067, chapter 3, Laws of 2015 3rd sp. sess.	
Reappropriation:	
State Building Construction Account—State	\$3,286,000
Prior Biennia (Expenditures)	\$714,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000588)	
The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3068, chapter 3, Laws of 2015 3rd sp. sess.	
Reappropriation:	
Columbia River Basin Water Supply Development Account—State	\$1,317,000
Columbia River Basin Water Supply Revenue Recovery Account—State	\$2,082,000
Subtotal Reappropriation	\$3,399,000
Prior Biennia (Expenditures)	\$15,601,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,000,000

NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (30000589)	
Reappropriation:	
State Building Construction Account—State	\$1,655,000
Prior Biennia (Expenditures)	\$1,400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,055,000

NEW SECTION. Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Supply (30000590)	
The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3070, chapter 3, Laws of 2015 3rd sp. sess.	
Reappropriation:	
State Building Construction Account—State	\$3,954,000
State Taxable Building Construction Account—State	\$4,079,000
Subtotal Reappropriation	\$8,033,000
Prior Biennia (Expenditures)	\$21,967,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,000,000

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NEW SECTION. Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000591)

Reappropriation:

State Building Construction Account—State	\$2,040,000
Prior Biennia (Expenditures)	\$2,960,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000670)

Reappropriation:

Cleanup Settlement Account—State	\$23,926,000
Prior Biennia (Expenditures)	\$4,834,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,760,000

NEW SECTION. Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY

Reducing Toxic Diesel Emissions (30000671)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3004, chapter 2, Laws of 2018.

Appropriation:

Model Toxics Control Capital Account—State	\$389,000
Prior Biennia (Expenditures)	\$111,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup and Prevention (30000672)

Reappropriation:

Waste Tire Removal Account—State	\$655,000
Prior Biennia (Expenditures)	\$345,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (30000673)

Reappropriation:

State Building Construction Account—State	\$3,178,000
Prior Biennia (Expenditures)	\$1,506,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,684,000

NEW SECTION. Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY

Reducing Toxic Woodstove Emissions (30000674)

Appropriation:

Model Toxics Control Capital Account—State	\$1,528,000
Prior Biennia (Expenditures)	\$472,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Eastern Washington Clean Sites Initiative (30000704)

Appropriation:

Model Toxics Control Capital Account—State	\$2,403,000
Prior Biennia (Expenditures)	\$33,000
Future Biennia (Projected Costs)	\$0

TOTAL \$2,436,000

NEW SECTION. Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Centennial Clean Water Program (30000705)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$33,976,000
Prior Biennia (Expenditures)	\$1,024,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,000,000

NEW SECTION. Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design 2017-19 (30000706)

Reappropriation:

State Building Construction Account—State	\$35,054,000
Prior Biennia (Expenditures)	\$410,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,464,000

NEW SECTION. Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Remedial Action Grants (30000707)

Appropriation:

Model Toxics Control Capital Account—State	\$5,877,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,877,000

NEW SECTION. Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY

Swift Creek Natural Asbestos Flood Control and Cleanup (30000708)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$10,700,000
TOTAL	\$14,700,000

NEW SECTION. Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Program (30000710)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3013, chapter 2, Laws of 2018.

Reappropriation:

Water Pollution Control Revolving Account—	
Federal	\$50,000,000
Water Pollution Control Revolving Account—State	\$160,000,000
Subtotal Reappropriation	\$210,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$210,000,000

NEW SECTION. Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Supply (30000711)

Reappropriation:

State Building Construction Account—State	\$15,497,000
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Prior Biennia (Expenditures)	\$15,603,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,100,000

NEW SECTION. Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000712)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3015, chapter 2, Laws of 2018.

Reappropriation:

Columbia River Basin Water Supply Development Account—State	\$12,203,000
Columbia River Basin Water Supply Revenue Recovery Account—State	\$2,000,000
State Building Construction Account—State	\$19,541,000
Subtotal Reappropriation	\$33,744,000
Prior Biennia (Expenditures)	\$56,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,800,000

NEW SECTION. Sec. 3057. FOR THE DEPARTMENT OF ECOLOGY

Lacey Headquarters Facility Preservation Projects (30000713)

Reappropriation:

State Building Construction Account—State	\$601,000
Prior Biennia (Expenditures)	\$34,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$635,000

NEW SECTION. Sec. 3058. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000714)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3017, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$4,898,000
Prior Biennia (Expenditures)	\$102,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3059. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000740)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3018, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$5,784,000
Prior Biennia (Expenditures)	\$716,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,500,000

NEW SECTION. Sec. 3060. FOR THE DEPARTMENT OF ECOLOGY

Eastern Regional Office Improvements and Stormwater Treatment (30000741)

Reappropriation:

State Building Construction Account—State	\$1,410,000
Appropriation:	
State Building Construction Account—State	\$1,966,000
Prior Biennia (Expenditures)	\$510,000
Future Biennia (Projected Costs)	\$0

TOTAL **\$3,886,000**

NEW SECTION. Sec. 3061. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Eastern Washington Clean Sites Initiative (30000742)

Appropriation:

Model Toxics Control Capital Account—State	\$1,740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,740,000

NEW SECTION. Sec. 3062. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Clean Up Toxic Sites – Puget Sound (30000749)

Appropriation:

Model Toxics Control Capital Account—State	\$2,099,000
Prior Biennia (Expenditures)	\$83,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,182,000

NEW SECTION. Sec. 3063. FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Clean Up Toxics Sites - Puget Sound (30000763)

Appropriation:

Model Toxics Control Capital Account—State	\$5,098,000
Prior Biennia (Expenditures)	\$142,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,240,000

NEW SECTION. Sec. 3064. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Stormwater Financial Assistance Program (30000796)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3005, chapter 298, Laws of 2018.

Appropriation:

Model Toxics Control Stormwater Account—State	\$36,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,400,000

NEW SECTION. Sec. 3065. FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Stormwater Financial Assistance (30000797)

Appropriation:

Model Toxics Control Stormwater Account—State	\$28,007,000
Prior Biennia (Expenditures)	\$2,093,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,100,000

NEW SECTION. Sec. 3066. FOR THE DEPARTMENT OF ECOLOGY

Catastrophic Flood Relief (40000006)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3023, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal	\$10,000,000
State Building Construction Account—State	\$45,075,000
Subtotal Reappropriation	\$55,075,000
Prior Biennia (Expenditures)	\$4,925,000
Future Biennia (Projected Costs)	\$0

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TOTAL \$60,000,000

NEW SECTION. Sec. 3067. FOR THE DEPARTMENT OF ECOLOGY

VW Settlement Funded Projects (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3025, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Private/Local	\$112,599,000
Prior Biennia (Expenditures)	\$101,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$112,700,000

NEW SECTION. Sec. 3068. FOR THE DEPARTMENT OF ECOLOGY

Healthy Housing Remediation Grant Program (40000108)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3009, chapter 298, Laws of 2018.

Appropriation:

Model Toxics Control Capital Account—State	\$4,500,000
Prior Biennia (Expenditures)	\$600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,100,000

NEW SECTION. Sec. 3069. FOR THE DEPARTMENT OF ECOLOGY

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles (40000109)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the department of ecology to enter into and administer grants to scrap and replace old, high-polluting diesel school buses, transit buses, and other vehicles, with low-emission and zero-emission vehicles.

(2) All expenditures from this reappropriation must be spent on projects that will reduce air pollution, improve public health for thousands of Washington residents, help prevent violations of federal air quality standards, reduce operating costs, and improve transportation reliability for public fleet operators.

(3) Up to \$12,000,000 of the reappropriation is for scrapping and replacing pre-2001, high polluting school buses across the state with diesel or alternate fueled (propane, compressed natural gas, zero emission, etc.) school buses that meet current federal emissions standards.

(4) \$5,000,000 of the reappropriation is for the department to fund electric vehicle charging station infrastructure at state facilities for state-owned vehicles through an agreement with the department of enterprise services. The agreement must contain a requirement to provide a report to the legislative fiscal committees by December 31, 2019, to include:

(a) The list of state facilities that will be impacted, and for each state facility:

(i) How many state-owned vehicles will benefit from the infrastructure; and

(ii) The date when the work will be completed at each state facility;

(b) The total statewide count of charging stations that will be available from these funds;

(c) The list of state agencies that will be impacted;

(d) The amount of funding used for new installation compared to the amount of funding used to upgrade electrical equipment to accommodate charging station installation;

(e) The methodology for how the funding was distributed; and

(f) The amount of funding state agencies anticipate to spend in operating budget dollars, as applicable, due to this project.

(5) Up to \$4,400,000 is for the Northwest seaport alliance for construction of shore power electrification infrastructure of Terminal 5.

(6) \$1,200,000 is for the Northwest seaport alliance for a clean truck fund managed by a certified community development alliance.

(7) The remainder of the appropriation is for scrapping and replacing pre-2007 diesel, high-polluting transit buses across the state with new electric, zero-emission buses.

Reappropriation:

Air Pollution Control Account—State	\$26,483,000
Prior Biennia (Expenditures)	\$1,917,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,400,000

NEW SECTION. Sec. 3070. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Water Pollution Control Revolving Program (40000110)

Appropriation:

Water Pollution Control Revolving Account—Federal	\$56,000,000
Water Pollution Control Revolving Account—State	\$148,000,000
Subtotal Appropriation	\$204,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$816,000,000
TOTAL	\$1,020,000,000

NEW SECTION. Sec. 3071. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Sunnyside Valley Irrigation District Water Conservation (40000111)

Appropriation:

State Building Construction Account—State	\$4,234,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,936,000
TOTAL	\$21,170,000

NEW SECTION. Sec. 3072. FOR THE DEPARTMENT OF ECOLOGY

2019-21 ASARCO Cleanup (40000114)

Appropriation:

Cleanup Settlement Account—State	\$6,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,650,000
TOTAL	\$22,450,000

NEW SECTION. Sec. 3073. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Reducing Toxic Diesel Emissions (40000115)

Appropriation:

Model Toxics Control Capital Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$12,000,000

NEW SECTION. Sec. 3074. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Centennial Clean Water Program (40000116)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is

reasonably obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its centennial program grant.

(2) The agency must encourage local government use of federally funded clean water infrastructure programs operated by the United States department of agriculture rural development.

Appropriation:

State Building Construction Account—State	\$30,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$140,000,000
TOTAL	\$170,000,000

NEW SECTION. Sec. 3075. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Eastern Washington Clean Sites Initiative (40000117)

Appropriation:

Model Toxics Control Capital Account—State	\$28,888,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,888,000

NEW SECTION. Sec. 3076. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Reducing Toxic Wood Stove Emissions (40000126)

Appropriation:

Model Toxics Control Capital Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3077. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Federal Capital Projects (40000127)

Appropriation:

General Fund—Federal	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3078. FOR THE DEPARTMENT OF ECOLOGY

Mercury Switch Removal (40000128)

Appropriation:

Model Toxics Control Capital Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 3079. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Floodplains by Design (40000129)

Appropriation:

State Building Construction Account—State	\$42,828,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$242,828,000

NEW SECTION. Sec. 3080. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Clean Up Toxics Sites – Puget Sound (40000130)

Appropriation:

Model Toxics Control Capital Account—State	\$12,475,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,475,000

NEW SECTION. Sec. 3081. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Stormwater Financial Assistance Program (40000144)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for competitive grants to local governments implementing projects that reduce the impacts of stormwater on Washington state's waters.

Appropriation:

Model Toxics Control Capital Account—State	\$18,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$178,000,000

NEW SECTION. Sec. 3082. FOR THE DEPARTMENT OF ECOLOGY

2015 Drought Authority (40000146)

Appropriation:

State Drought Preparedness Account—State	\$669,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$669,000

NEW SECTION. Sec. 3083. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup and Prevention (40000147)

Appropriation:

Waste Tire Removal Account—State	\$1,000,000
Prior Biennia (Expenditures)3089.	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3084. FOR THE DEPARTMENT OF ECOLOGY

Lacey HQ Roof Replacement (40000148)

Appropriation:

State Building Construction Account—State	\$3,089,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,089,000

NEW SECTION. Sec. 3085. FOR THE DEPARTMENT OF ECOLOGY

Healthy Housing Remediation Program (40000149)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department to establish and administer a program to provide grants to persons intending to remediate contaminated real property for development of affordable housing, as defined in RCW 43.185A.010. The grants may only be used for:

(a) Integrated planning to fund studies and other activities necessary to facilitate the acquisition, remediation, and adaptive reuse of known or suspected contaminated real property for affordable housing development, including:

(i) The activities specified under RCW 70.105D.070(4)(e)(iv); and

(ii) Entry into development agreements pursuant to RCW 36.70B.170 through 36.70B.190 to accelerate the development of the contaminated real property into affordable housing; and

(b) Remediation of contaminated real property for affordable housing development.

(2) When prioritizing grants under this section, the department must consult with the department of commerce and consider at a minimum:

(a) The ability of the project to expedite the cleanup and reuse of the contaminated real property for affordable housing development;

(b) The extent to which the project leverages other public or private funding for the cleanup and reuse of the contaminated real property for affordable housing development;

(c) The suitability of the real property for affordable housing based on the threat posed by the contamination to human health;

(d) Whether the work to be funded under the grant is ready to proceed and be completed; and

(e) The distribution of grants throughout the state and among public and private entities.

(3) Any remediation of contaminated real property funded under this section must be performed:

(a) Under an agreed order or consent decree issued under chapter 70.105D RCW; and

(b) In accordance with the rules established under chapter 70.105D RCW.

(4) Prior to a grant recipient conveying any interest in the real property or entering into any leases, the real property must be restricted to affordable housing use for a period of no less than thirty years.

(a) The department may require a grant recipient to record an interest in the land in accordance with RCW 64.04.130 or use other means deemed by the department to be no less protective of the affordable housing use and interests of the department.

(b) Any grant recipient who refuses, without sufficient cause, to comply with this subsection shall be subject to enforcement pursuant to any agreement or chapter 70.105D RCW for the repayment, with interest, of funds provided under this section.

Appropriation:

Model Toxics Control Capital Account—State	\$10,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,100,000

NEW SECTION. Sec. 3086. FOR THE DEPARTMENT OF ECOLOGY

2019-21 State Match - Water Pollution Control Revolving Program (40000151)

Appropriation:

Water Pollution Control Revolving Account—State	\$12,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	\$60,000,000

NEW SECTION. Sec. 3087. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Columbia River Water Supply Development Program (40000152)

The appropriations in this section are subject to the following conditions and limitations: \$15,000,000 of the appropriation is provided solely to assist in designing, engineering and building the EL 22.1 surface water irrigation system, including a canal pump station, an electrical power substation, booster pump stations, and a large diameter full-sized pipeline sufficient to irrigate 16,000 acres, located north of Interstate-90 and east of Moses Lake, Washington from the east low canal to at least road W northeast, which would provide Columbia basin project irrigation water to the Odessa subarea to replace deep well irrigation in the declining aquifer as part of the Odessa groundwater replacement program. Any moneys received by the east Columbia basin irrigation district from this act for the EL 22.1 must reduce in the same amount the share paid by producers within the lands indicated by this section.

Appropriation:

Columbia River Basin Water Supply Revenue	
Recovery Account—State	\$2,400,000
State Building Construction Account—State	\$27,100,000
State Taxable Building Construction Account—State	\$10,500,000
Subtotal Appropriation	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	\$220,000,000

NEW SECTION. Sec. 3088. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Streamflow Restoration Program (40000177)

Appropriation:

Watershed Restoration and Enhancement Bond	
Account—State	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$200,000,000

NEW SECTION. Sec. 1. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Yakima River Basin Water Supply (40000179)

Appropriation:

State Building Construction Account—State	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$128,000,000
TOTAL	\$168,000,000

NEW SECTION. Sec. 3090. FOR THE DEPARTMENT OF ECOLOGY

Zosel Dam Preservation (40000193)

Appropriation:

State Building Construction Account—State	\$217,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$217,000

NEW SECTION. Sec. 3091. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Protect Investments in Cleanup Remedies (40000194)

The appropriation in this section is subject to the following conditions and limitations: \$2,260,000 of the appropriation is provided solely for reimbursing the Lakewood water district for costs for the Ponders drinking water treatment system, including costs incurred prior to July 1, 2019.

Appropriation:

Model Toxics Control Capital Account—State	\$9,637,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$49,637,000

NEW SECTION. Sec. 3092. FOR THE DEPARTMENT OF ECOLOGY

Lacey HQ Facility Preservation Project—Minor Works (40000207)

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 3093. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Chehalis Basin Strategy (40000209)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$16,257,000 of the appropriation is for advancing the long-term strategy for the Chehalis basin projects to reduce flood damage and restore aquatic species including project level environmental review, data collection, engineering design of future construction projects, feasibility analysis, and engagement of state agencies, tribes, and other parties.

(2) Up to \$33,747,000 of the appropriation is for construction of local priority flood protection and habitat restoration projects.

(3) The office of Chehalis basin board has discretion to allocate the funding between subsections (1) and (2) of this section if needed to meet the objectives of this appropriation.

(4) Up to one and a half percent of the appropriation provided in this section may be used by the recreation and conservation office to administer contracts associated with the subprojects funded through this section. Contract administration includes, but is not limited to: Drafting and amending contracts, reviewing and approving invoices, tracking expenditures, and performing field inspections to assess project status when conducting similar assessments related to other agency contracts in the same geographic area.

Appropriation:	
State Building Construction Account—State	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$250,000,000

NEW SECTION. Sec. 3094. FOR THE DEPARTMENT OF ECOLOGY

Chemical Action Plan Implementation (40000210)

The appropriation in this section is subject to the following conditions and limitations: \$400,000 is provided solely for the department of ecology to continue the characterization of perfluoroalkyl and polyfluoroalkyl (PFAS) chemicals in source areas that impact the Issaquah valley aquifer and to design a pilot corrective action cleanup plan. This work shall be done in coordination with the local municipality and fire and rescue agency. The pilot plan shall help inform the development of statewide regulations for this contaminant.

Appropriation:	
Model Toxics Control Capital Account—State	\$3,704,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,704,000

NEW SECTION. Sec. 3095. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Remedial Action Grants (40000211)

Appropriation:	
Model Toxics Control Capital Account—State	\$150,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$254,000,000
TOTAL	\$404,000,000

NEW SECTION. Sec. 3096. FOR THE DEPARTMENT OF ECOLOGY

Habitat Mitigation (91000007)

Reappropriation:	
State Building Construction Account—State	\$47,000
Prior Biennia (Expenditures)	\$2,802,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,849,000

NEW SECTION. Sec. 3097. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (91000032)

Appropriation:	
Model Toxics Control Capital Account—State	\$304,000
Prior Biennia (Expenditures)	\$8,966,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,270,000

NEW SECTION. Sec. 3098. FOR THE DEPARTMENT OF ECOLOGY

Skagit Mitigation (91000181)	
Reappropriation:	
State Building Construction Account—State	\$951,000
Prior Biennia (Expenditures)	\$1,274,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,225,000

NEW SECTION. Sec. 3099. FOR THE DEPARTMENT OF ECOLOGY

Integrated Planning Grant: Port Townsend (91000338)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3026, chapter 2, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 3100. FOR THE DEPARTMENT OF ECOLOGY

Water Availability (91000343)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 298, Laws of 2018.

Reappropriation:	
Watershed Restoration and Enhancement Bond Account—State	
	\$13,558,000
Prior Biennia (Expenditures)	\$42,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,600,000

NEW SECTION. Sec. 3101. FOR THE DEPARTMENT OF ECOLOGY

Skagit Water (91000347)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3012, chapter 298, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 3102. FOR THE DEPARTMENT OF ECOLOGY

Storm Water Improvements (92000076)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3028, chapter 2, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$42,734,000
Prior Biennia (Expenditures)	\$54,266,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$97,000,000

NEW SECTION. Sec. 3103. FOR THE DEPARTMENT OF ECOLOGY

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Floodplain Management and Control Grants (92000078)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3069, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$4,834,000
Prior Biennia (Expenditures)	\$45,166,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 3104. FOR THE DEPARTMENT OF ECOLOGY

Drought Response (92000142)

Reappropriation:

State Drought Preparedness—State	\$1,559,000
Prior Biennia (Expenditures)	\$5,164,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,723,000

NEW SECTION. Sec. 3105. FOR THE DEPARTMENT OF ECOLOGY

Port of Tacoma Arkema/Dunlap Mound (92000158)

Appropriation:

Model Toxics Control Capital Account—State	\$735,000
Prior Biennia (Expenditures)	\$2,165,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,900,000

NEW SECTION. Sec. 3106. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Program Demonstration and Design (30000001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Pollution Liability Insurance Program Trust Account—State	\$335,000
Prior Biennia (Expenditures)	\$1,465,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,800,000

NEW SECTION. Sec. 3107. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financial Assistance Program (30000002)

Reappropriation:

PLIA Underground Storage Tank Revolving Account—State	\$3,683,000
Prior Biennia (Expenditures)	\$6,317,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3108. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Leaking Tank Model Remedies (30000669)

Reappropriation:

State Building Construction Account—State	\$1,102,000
Prior Biennia (Expenditures)	\$4,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,106,000

NEW SECTION. Sec. 3109. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financing Assistance Program 2019-21 (30000702)

Appropriation:

PLIA Underground Storage Tank Revolving Account—State	\$12,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$92,500,000

NEW SECTION. Sec. 3110. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2019-21 Leaking Tank Model Remedies Activity (30000703)

Appropriation:

Pollution Liability Insurance Program Trust Account—State	\$764,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$764,000

NEW SECTION. Sec. 3111. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financial Assistance Pgm 2017-19 (92000001)

Reappropriation:

PLIA Underground Storage Tank Revolving Account—State	\$12,676,000
Prior Biennia (Expenditures)	\$24,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,700,000

NEW SECTION. Sec. 3112. FOR THE STATE PARKS AND RECREATION COMMISSION

Twin Harbors State Park: Renovation (30000086)

Reappropriation:

State Building Construction Account—State	\$267,000
Prior Biennia (Expenditures)	\$229,000
Future Biennia (Projected Costs)	\$13,954,000
TOTAL	\$14,450,000

NEW SECTION. Sec. 3113. FOR THE STATE PARKS AND RECREATION COMMISSION

State Parks Capital Preservation Pool (92000014)

Appropriation:

State Building Construction Account—State	\$33,638,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,638,000

NEW SECTION. Sec. 3114. FOR THE STATE PARKS AND RECREATION COMMISSION

St. Edward Environmental Education and Research Center (92000016)

Appropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 3115. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Reappropriation:

State Building Construction Account—State	\$1,596,000
Prior Biennia (Expenditures)	\$242,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,838,000

NEW SECTION. Sec. 3116. FOR THE STATE PARKS AND RECREATION COMMISSION

Marine facilities - Various Locations Moorage Float
Replacement (30000496)

Reappropriation:

State Building Construction Account—State	\$111,000
Prior Biennia (Expenditures)	\$458,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$569,000

**NEW SECTION. Sec. 3117. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at
SR 6 (30000519)

Reappropriation:

State Building Construction Account—State	\$25,000
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Appropriation:

State Building Construction Account—State	\$4,961,000
Prior Biennia (Expenditures)	\$397,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,383,000

**NEW SECTION. Sec. 3118. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Schafer Relocate Campground (30000532)

Reappropriation:

State Building Construction Account—State	\$433,000
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Appropriation:

State Building Construction Account—State	\$4,024,000
Prior Biennia (Expenditures)	\$309,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,766,000

**NEW SECTION. Sec. 3119. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Beacon Rock Entrance Road Realignment (30000647)

Reappropriation:

State Building Construction Account—State	\$215,000
Prior Biennia (Expenditures)	\$151,000
Future Biennia (Projected Costs)	\$9,050,000
TOTAL	\$9,416,000

**NEW SECTION. Sec. 3120. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Goldendale Observatory - Expansion (30000709)

Reappropriation:

State Building Construction Account—State	\$551,000
Prior Biennia (Expenditures)	\$4,793,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,344,000

**NEW SECTION. Sec. 3121. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Steamboat Rock Build Dunes Campground (30000729)

Reappropriation:

State Building Construction Account—State	\$2,437,000
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Appropriation:

State Building Construction Account—State	\$666,000
Prior Biennia (Expenditures)	\$1,062,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,165,000

**NEW SECTION. Sec. 3122. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Clean Vessel Boating Pump-Out Grants (30000856)

Reappropriation:

General Fund—Federal	\$1,000,000
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Appropriation:

General Fund—Federal	\$2,600,000
Prior Biennia (Expenditures)	\$4,200,000

Future Biennia (Projected Costs)	\$10,400,000
TOTAL	\$18,200,000

**NEW SECTION. Sec. 3123. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Local Grant Authority (30000857)

Reappropriation:

Parks Renewal and Stewardship Account— Private/Local	\$1,000,000
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Appropriation:

Parks Renewal and Stewardship Account— Private/Local	\$2,000,000
Prior Biennia (Expenditures)	\$1,200,000
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$12,200,000

**NEW SECTION. Sec. 3124. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Federal Grant Authority (30000858)

Reappropriation:

General Fund—Federal	\$350,000
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Appropriation:

General Fund—Federal	\$750,000
Prior Biennia (Expenditures)	\$2,150,000
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$6,250,000

**NEW SECTION. Sec. 3125. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Fort Worden - Replace Failing Sewer Lines (30000860)

Reappropriation:

State Building Construction Account—State	\$1,493,000
Prior Biennia (Expenditures)	\$1,061,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,554,000

**NEW SECTION. Sec. 3126. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Sequim Bay Address Failing Retaining Wall (30000861)

Reappropriation:

State Building Construction Account—State	\$735,000
Prior Biennia (Expenditures)	\$387,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,122,000

**NEW SECTION. Sec. 3127. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Lake Sammamish Dock Grant Match (30000872)

Reappropriation:

State Building Construction Account—State	\$959,000
Prior Biennia (Expenditures)	\$141,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,100,000

**NEW SECTION. Sec. 3128. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Fort Worden - Pier & Marine Learning Center Improve or
Replace (30000950)

Reappropriation:

State Building Construction Account—State	\$613,000
Prior Biennia (Expenditures)	\$121,000
Future Biennia (Projected Costs)	\$5,269,000
TOTAL	\$6,003,000

**NEW SECTION. Sec. 3129. FOR THE STATE PARKS
AND RECREATION COMMISSION**

Field Spring Replace Failed Sewage Syst & Non-ADA
Comfort Station (30000951)

Reappropriation:

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State Building Construction Account—State	\$1,123,000
Prior Biennia (Expenditures)	\$145,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,268,000

NEW SECTION. Sec. 3130. FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation from Harms Way (30000959)

Reappropriation:	
State Building Construction Account—State	\$1,921,000
Prior Biennia (Expenditures)	\$587,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,508,000

NEW SECTION. Sec. 3131. FOR THE STATE PARKS AND RECREATION COMMISSION

Sun Lakes - Dry Falls - Upgrade Failing Water Supply Systems (30000962)

Reappropriation:	
State Building Construction Account—State	\$644,000
Prior Biennia (Expenditures)	\$106,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 3132. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Reappropriation:	
State Building Construction Account—State	\$186,000
Prior Biennia (Expenditures)	\$1,086,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,272,000

NEW SECTION. Sec. 3133. FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point - Replace Bridge (Pedestrian) (30000972)

Reappropriation:	
State Building Construction Account—State	\$468,000
Prior Biennia (Expenditures)	\$279,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$747,000

NEW SECTION. Sec. 3134. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works Program (30000975)

Reappropriation:	
State Building Construction Account—State	\$105,000
Prior Biennia (Expenditures)	\$386,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$491,000

NEW SECTION. Sec. 3135. FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (30000976)

Appropriation:	
Parkland Acquisition Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$2,240,000
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$12,240,000

NEW SECTION. Sec. 3136. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Health and Safety (30000977)

Reappropriation:	
State Building Construction Account—State	\$402,000
Prior Biennia (Expenditures)	\$647,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$1,049,000

NEW SECTION. Sec. 3137. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Facilities and Infrastructure (30000978)

Reappropriation:	
State Building Construction Account—State	\$1,981,000
Prior Biennia (Expenditures)	\$2,610,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,591,000

NEW SECTION. Sec. 3138. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works—Program (30000979)

Reappropriation:	
State Building Construction Account—State	\$646,000
Prior Biennia (Expenditures)	\$845,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,491,000

NEW SECTION. Sec. 3139. FOR THE STATE PARKS AND RECREATION COMMISSION

Moran Summit Learning Center - Interpretive Facility (30000980)

Reappropriation:	
State Building Construction Account—State	\$903,000
Prior Biennia (Expenditures)	\$112,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,015,000

NEW SECTION. Sec. 3140. FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point Sewer Improvements (30000981)

Reappropriation:	
State Building Construction Account—State	\$320,000
Prior Biennia (Expenditures)	\$130,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 3141. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Sunset Beach Picnic Area (30000984)

Reappropriation:	
State Building Construction Account—State	\$2,615,000
Prior Biennia (Expenditures)	\$145,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,760,000

NEW SECTION. Sec. 3142. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Water System Renovation (30001016)

Reappropriation:	
State Building Construction Account—State	\$264,000
Prior Biennia (Expenditures)	\$236,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3143. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Septic System Renovation (30001017)

Reappropriation:	
State Building Construction Account—State	\$65,000
Prior Biennia (Expenditures)	\$185,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 3144. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electrical System Renovation (30001018)	
Reappropriation:	
State Building Construction Account—State	\$462,000
Prior Biennia (Expenditures)	\$288,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 3145. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - ADA Compliance (30000985)	
Reappropriation:	
State Building Construction Account—State	\$467,000
Prior Biennia (Expenditures)	\$533,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3146. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide New Park (30001019)	
Reappropriation:	
State Building Construction Account—State	\$267,000
Prior Biennia (Expenditures)	\$46,000
Future Biennia (Projected Costs)	\$20,006,000
TOTAL	\$20,319,000

NEW SECTION. Sec. 3147. FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment North Head Buildings and Ground Improvements (40000005)	
Reappropriation:	
State Building Construction Account—State	\$469,000
Prior Biennia (Expenditures)	\$2,226,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,695,000

NEW SECTION. Sec. 3148. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Fish Barrier Removal (40000010)	
Reappropriation:	
State Building Construction Account—State	\$53,000
Appropriation:	
State Building Construction Account—State	\$1,605,000
Prior Biennia (Expenditures)	\$247,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,905,000

NEW SECTION. Sec. 3149. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electric Vehicle Charging Stations (40000016)	
Appropriation:	
State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,600,000
TOTAL	\$1,800,000

NEW SECTION. Sec. 3150. FOR THE STATE PARKS AND RECREATION COMMISSION

Preservation Minor Works 2019-21 (40000151)	
Appropriation:	
State Building Construction Account—State	\$4,447,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,447,000

NEW SECTION. Sec. 3151. FOR THE STATE PARKS AND RECREATION COMMISSION

Nisqually New Full Service Park (40000153)	
Appropriation:	
State Building Construction Account—State	\$2,994,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,700,000
TOTAL	\$20,694,000

NEW SECTION. Sec. 3152. FOR THE STATE PARKS AND RECREATION COMMISSION

Pearrygin Lake Consolidated Park Access (40000160)	
Appropriation:	
State Building Construction Account—State	\$2,406,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,406,000

NEW SECTION. Sec. 3153. FOR THE STATE PARKS AND RECREATION COMMISSION

Comfort Station Pilot Project (91000433)	
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The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3043, chapter 298, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$1,063,000
Prior Biennia (Expenditures)	\$104,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,167,000

NEW SECTION. Sec. 3154. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WW1 Historic Facilities Preservation (30000100)	
Reappropriation:	
State Building Construction Account—State	\$1,091,000
Prior Biennia (Expenditures)	\$2,295,000
Future Biennia (Projected Costs)	\$1,963,000
TOTAL	\$5,349,000

NEW SECTION. Sec. 3155. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Simcoe - Historic Officers Quarters Renovation (30000155)	
Reappropriation:	
State Building Construction Account—State	\$292,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$900,000
TOTAL	\$1,192,000

NEW SECTION. Sec. 3156. FOR THE STATE PARKS AND RECREATION COMMISSION

Sun Lakes State Park: Dry Falls Campground Renovation (30000305)	
Reappropriation:	
State Building Construction Account—State	\$338,000
Prior Biennia (Expenditures)	\$64,000
Future Biennia (Projected Costs)	\$7,442,000
TOTAL	\$7,844,000

NEW SECTION. Sec. 3157. FOR THE STATE PARKS AND RECREATION COMMISSION

Kopachuck Day Use Development (30000820)	
Reappropriation:	
State Building Construction Account—State	\$5,190,000
Prior Biennia (Expenditures)	\$726,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,916,000

NEW SECTION. Sec. 3158. FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse Falls Day Use Area Renovation (30000983)	
Reappropriation:	

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State Building Construction Account—State	\$220,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,900,000
TOTAL	\$3,120,000

NEW SECTION. Sec. 3159. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden Replace Failing Water Lines (30001022)
 Reappropriation:

State Building Construction Account—State	\$214,000
Prior Biennia (Expenditures)	\$163,000
Future Biennia (Projected Costs)	\$2,013,000
TOTAL	\$2,390,000

NEW SECTION. Sec. 3160. FOR THE STATE PARKS AND RECREATION COMMISSION

Steptoe Butte Road Improvements (30001076)
 Reappropriation:

State Building Construction Account—State	\$466,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$466,000

NEW SECTION. Sec. 3161. FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000002)
 Reappropriation:

Habitat Conservation Account—State	\$65,000
Prior Biennia (Expenditures)	\$69,380,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$69,445,000

NEW SECTION. Sec. 3162. FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2011-3A, developed May 24, 2011.

Reappropriation:

Outdoor Recreation Account—State	\$886,000
Prior Biennia (Expenditures)	\$41,114,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$42,000,000

NEW SECTION. Sec. 3163. FOR THE RECREATION AND CONSERVATION OFFICE

Salmon Recovery Funding Board Programs (30000140)
 Reappropriation:

General Fund—Federal	\$1,901,000
Prior Biennia (Expenditures)	\$68,161,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$70,062,000

NEW SECTION. Sec. 3164. FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000205)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3161, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

Outdoor Recreation Account—State	\$3,010,000
Farm and Forest Account—State	\$1,332,000
Riparian Protection Account—State	\$504,000
Habitat Conservation Account—State	\$3,761,000
Subtotal Reappropriation	\$8,607,000
Prior Biennia (Expenditures)	\$56,393,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$65,000,000

NEW SECTION. Sec. 3165. FOR THE RECREATION AND CONSERVATION OFFICE

Salmon Recovery Funding Board Programs (30000206)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3162, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

General Fund—Federal	\$7,650,000
Prior Biennia (Expenditures)	\$67,350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000,000

NEW SECTION. Sec. 3166. FOR THE RECREATION AND CONSERVATION OFFICE

Aquatic Lands Enhancement Account (30000210)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2013-2B, developed April 10, 2013.

Reappropriation:

Aquatic Lands Enhancement Account—State	\$232,000
Prior Biennia (Expenditures)	\$5,768,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 3167. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Acquisition and Restoration (30000211)

Reappropriation:

State Building Construction Account—State	\$7,640,000
Prior Biennia (Expenditures)	\$62,360,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$70,000,000

NEW SECTION. Sec. 3168. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Estuary and Salmon Restoration Program (30000212)

Reappropriation:

State Building Construction Account—State	\$481,000
Prior Biennia (Expenditures)	\$9,519,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3169. FOR THE RECREATION AND CONSERVATION OFFICE

Land and Water Conservation (30000216)

Reappropriation:

General Fund—Federal	\$1,404,000
Prior Biennia (Expenditures)	\$2,596,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3170. FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000220)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2015-1, developed June 30, 2015.

Reappropriation:

Outdoor Recreation Account—State	\$4,225,000
Farm and Forest Account—State	\$1,644,000

Riparian Protection Account—State	\$1,510,000
Habitat Conservation Account—State	\$5,486,000
Subtotal Reappropriation	\$12,865,000
Prior Biennia (Expenditures)	\$42,458,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$55,323,000

NEW SECTION. Sec. 3171. FOR THE RECREATION AND CONSERVATION OFFICE

Salmon Recovery Funding Board Programs (30000221)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3164, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

General Fund—Federal	\$17,139,000
State Building Construction Account—State	\$2,973,000
Subtotal Reappropriation	\$20,112,000
Prior Biennia (Expenditures)	\$46,388,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$66,500,000

NEW SECTION. Sec. 3172. FOR THE RECREATION AND CONSERVATION OFFICE

Boating Facilities Program (30000222)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3024, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Recreation Resources Account—State	\$191,000
Prior Biennia (Expenditures)	\$14,019,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,210,000

NEW SECTION. Sec. 3173. FOR THE RECREATION AND CONSERVATION OFFICE

Nonhighway Off-Road Vehicle Activities (30000223)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3025, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account—State	\$465,000
Prior Biennia (Expenditures)	\$10,705,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,170,000

NEW SECTION. Sec. 3174. FOR THE RECREATION AND CONSERVATION OFFICE

Youth Athletic Facilities (30000224)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3167, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,494,000
Prior Biennia (Expenditures)	\$8,506,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3175. FOR THE RECREATION AND CONSERVATION OFFICE

Aquatic Lands Enhancement Account (30000225)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is

provided solely for the list of projects in LEAP capital document No. 2015-2, developed June 30, 2015.

Reappropriation:

Aquatic Lands Enhancement Account—State	\$1,044,000
Prior Biennia (Expenditures)	\$4,225,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,269,000

NEW SECTION. Sec. 3176. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Acquisition and Restoration (30000226)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3169, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$7,611,000
Prior Biennia (Expenditures)	\$29,389,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$37,000,000

NEW SECTION. Sec. 3177. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Estuary and Salmon Restoration Program (30000227)

Reappropriation:

State Building Construction Account—State	\$3,284,000
Prior Biennia (Expenditures)	\$4,716,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 3178. FOR THE RECREATION AND CONSERVATION OFFICE

Firearms and Archery Range Recreation (30000228)

Reappropriation:

Firearms Range Account—State	\$81,000
Prior Biennia (Expenditures)	\$499,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$580,000

NEW SECTION. Sec. 3179. FOR THE RECREATION AND CONSERVATION OFFICE

Recreational Trails Program (30000229)

Reappropriation:

General Fund—Federal	\$1,002,000
Prior Biennia (Expenditures)	\$3,998,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3180. FOR THE RECREATION AND CONSERVATION OFFICE

Boating Infrastructure Grants (30000230)

Reappropriation:

General Fund—Federal	\$1,235,000
Prior Biennia (Expenditures)	\$965,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 3181. FOR THE RECREATION AND CONSERVATION OFFICE

Land and Water Conservation (30000231)

Reappropriation:

General Fund—Federal	\$1,738,000
Prior Biennia (Expenditures)	\$2,262,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3182. FOR THE RECREATION AND CONSERVATION OFFICE

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Family Forest Fish Passage Program (30000233)	
Reappropriation:	
State Building Construction Account—State	\$239,000
Prior Biennia (Expenditures)	\$4,761,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 2. FOR THE RECREATION AND CONSERVATION OFF3183.ICE

Salmon Recovery Funding Board Programs (30000408)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3070, chapter 2, Laws of 2018.

Reappropriation:	
General Fund—Federal	\$44,171,000
State Building Construction Account—State	\$11,775,000
Subtotal Reappropriation	\$55,946,000
Prior Biennia (Expenditures)	\$13,765,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$69,711,000

NEW SECTION. Sec. 3184. FOR THE RECREATION AND CONSERVATION OFFICE

2017-19 Washington Wildlife Recreation Grants (30000409)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2017-42, developed July 20, 2017, and LEAP capital document No. 2018-6H, developed January 3, 2018.

Reappropriation:	
Outdoor Recreation Account—State	\$29,705,000
Farm and Forest Account—State	\$6,992,000
Habitat Conservation Account—State	\$27,817,000
Subtotal Reappropriation	\$64,514,000
Prior Biennia (Expenditures)	\$15,486,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$80,000,000

NEW SECTION. Sec. 3185. FOR THE RECREATION AND CONSERVATION OFFICE

Boating Facilities Program (30000410)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3072, chapter 2, Laws of 2018.

Reappropriation:	
Recreation Resources Account—State	\$15,085,000
Prior Biennia (Expenditures)	\$2,090,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,175,000

NEW SECTION. Sec. 3186. FOR THE RECREATION AND CONSERVATION OFFICE

Nonhighway Off-Road Vehicle Activities (30000411)

Reappropriation:	
Nonhighway Off-Road Vehicle Activities Program Account—State	\$11,352,000
Prior Biennia (Expenditures)	\$1,843,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,195,000

NEW SECTION. Sec. 3187. FOR THE RECREATION AND CONSERVATION OFFICE

Youth Athletic Facilities (30000412)

Reappropriation:	
State Building Construction Account—State	\$3,262,000
Prior Biennia (Expenditures)	\$815,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$4,077,000

NEW SECTION. Sec. 3188. FOR THE RECREATION AND CONSERVATION OFFICE

Aquatic Lands Enhancement Account (30000413)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Reappropriation:	
Aquatic Lands Enhancement Account—State	\$1,360,000
State Building Construction Account—State	\$8,794,000
Subtotal Reappropriation	\$10,154,000
Prior Biennia (Expenditures)	\$2,131,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,285,000

NEW SECTION. Sec. 3189. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Acquisition and Restoration (30000414)

Reappropriation:	
State Building Construction Account—State	\$35,097,000
Prior Biennia (Expenditures)	\$4,903,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,000,000

NEW SECTION. Sec. 3190. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Estuary and Salmon Restoration Program (30000415)

Reappropriation:	
State Building Construction Account—State	\$6,315,000
Prior Biennia (Expenditures)	\$1,685,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 3191. FOR THE RECREATION AND CONSERVATION OFFICE

Firearms and Archery Range Recreation (30000416)

Reappropriation:	
Firearms Range Account—State	\$762,000
Prior Biennia (Expenditures)	\$51,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$813,000

NEW SECTION. Sec. 3192. FOR THE RECREATION AND CONSERVATION OFFICE

Recreational Trails Program (30000417)

Reappropriation:	
General Fund—Federal	\$4,283,000
Prior Biennia (Expenditures)	\$717,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3193. FOR THE RECREATION AND CONSERVATION OFFICE

Boating Infrastructure Grants (30000418)

Reappropriation:	
General Fund—Federal	\$1,650,000
Prior Biennia (Expenditures)	\$550,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 3194. FOR THE RECREATION AND CONSERVATION OFFICE

Land and Water Conservation (30000419)

Reappropriation:

General Fund—Federal	\$3,400,000
Prior Biennia (Expenditures)	\$600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3195. FOR THE RECREATION AND CONSERVATION OFFICE

Washington Coastal Restoration Initiative (30000420)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$10,860,000
Prior Biennia (Expenditures)	\$1,640,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,500,000

NEW SECTION. Sec. 3196. FOR THE RECREATION AND CONSERVATION OFFICE

Family Forest Fish Passage Program (40000001)

Reappropriation:

State Building Construction Account—State	\$3,235,000
Prior Biennia (Expenditures)	\$1,765,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3197. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Washington Wildlife Recreation Grants (40000002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the list of projects identified in LEAP capital document No. 2019-300S, developed March 27, 2019.

Appropriation:

Outdoor Recreation Account—State	\$40,500,000
Farm and Forest Account—State	\$9,000,000
Habitat Conservation Account—State	\$40,500,000
Subtotal Appropriation	\$90,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$320,000,000
TOTAL	\$410,000,000

NEW SECTION. Sec. 3198. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Salmon Recovery Funding Board Programs (40000004)

Appropriation:

General Fund—Federal	\$50,000,000
State Building Construction Account—State	\$25,000,000
Subtotal Appropriation	\$75,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$300,000,000
TOTAL	\$375,000,000

NEW SECTION. Sec. 3199. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Boating Facilities Program (40000005)

Appropriation:

Recreation Resources Account—State	\$17,872,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$71,488,000
TOTAL	\$89,360,000

NEW SECTION. Sec. 3200. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Nonhighway Off-Road Vehicle Activities (40000006)

Appropriation:

Nonhighway Off-Road Vehicle Activities Program	
Account—State	\$11,411,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$55,644,000
TOTAL	\$67,055,000

NEW SECTION. Sec. 3201. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Youth Athletic Facilities (40000007)

Appropriation:

State Building Construction Account—State	\$5,035,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,035,000

NEW SECTION. Sec. 3202. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Aquatic Lands Enhancement Account (40000008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the list of projects identified in LEAP capital document No. 2019-301S, developed March 27, 2019.

Appropriation:

State Building Construction Account—State	\$6,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,400,000
TOTAL	\$33,000,000

NEW SECTION. Sec. 3203. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Puget Sound Acquisition and Restoration (40000009)

The appropriation in this section is subject to the following conditions and limitations: Funding amounts include Puget Sound Acquisition and Restoration Local Grants, the Middle Fork Nooksack Diversion Dam Removal, and Riverbend Floodplain Restoration Construction.

Appropriation:

State Building Construction Account—State	\$45,900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$205,900,000

NEW SECTION. Sec. 3204. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Puget Sound Estuary and Salmon Restoration Program (40000010)

Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 3205. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Washington Coastal Restoration Initiative (40000011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the list of projects identified in LEAP capital document No. 2019-302S, developed March 27, 2019.

(2) The agency may retain a portion of the funds appropriated in this section for the administration of the grants. The portion of the funds retained for administration may not exceed four and twelve one-hundredths percent of the appropriation.

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Appropriation:

State Building Construction Account—State	\$12,438,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$49,752,000
TOTAL	\$62,190,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3206. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Brian Abbott Fish Barrier Removal Board (40000012)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the list of projects identified in LEAP capital document No. 2019-303S, developed March 27, 2019.

(2) The board may retain up to three percent of the funds appropriated in this section for its administration. The office may retain up to two percent of the funds appropriated in this section for its administration.

Appropriation:

State Building Construction Account—State	\$30,588,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,588,000

NEW SECTION. Sec. 3207. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Firearms and Archery Range (40000013)

Appropriation:

Firearms Range Account—State	\$735,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,940,000
TOTAL	\$3,675,000

NEW SECTION. Sec. 3208. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Recreational Trails Program (40000014)

Appropriation:

General Fund—Federal	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 3209. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Boating Infrastructure Grants (40000015)

Appropriation:

General Fund—Federal	\$2,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,800,000
TOTAL	\$11,000,000

NEW SECTION. Sec. 3210. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Land and Water Conservation Fund (40000016)

Appropriation:

General Fund—Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$30,000,000

NEW SECTION. Sec. 3211. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 Family Forest Fish Passage Program (40000017)

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0

NEW SECTION. Sec. 3212. FOR THE RECREATION AND CONSERVATION OFFICE

Coastal Restoration Grants (91000448)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3177, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,346,000
Prior Biennia (Expenditures)	\$9,839,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,185,000

NEW SECTION. Sec. 3213. FOR THE RECREATION AND CONSERVATION OFFICE

Brian Abbott Fish Passage Barrier Removal Board (91000566)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$18,076,000
Prior Biennia (Expenditures)	\$1,671,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,747,000

NEW SECTION. Sec. 3214. FOR THE RECREATION AND CONSERVATION OFFICE

Recreation & Conservation Office Recreation Grants (92000131)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3086, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$13,780,000
Outdoor Recreation Account—State	\$1,337,000
Subtotal Reappropriation	\$15,117,000
Prior Biennia (Expenditures)	\$18,885,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,002,000

NEW SECTION. Sec. 3215. FOR THE RECREATION AND CONSERVATION OFFICE

Community Forest Pilot (92000447)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the implementation of Second Substitute Senate Bill No. 5873 (community forests pilot), including the following list of projects:

Nason Ridge Community Forest	\$4,973,000
Mt. Adams Community Forest, Outlet Creek Tract	\$213,000
Gold Hill Community Forest	\$676,000

The office may retain up to four percent of the appropriation for administrative costs. If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.

Appropriation:

State Building Construction Account—State	\$6,096,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,096,000

NEW SECTION. Sec. 3216. FOR THE STATE CONSERVATION COMMISSION

Match for Federal RCPP Program (30000017)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3033, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

General Fund—Federal	\$1,600,000
State Building Construction Account—State	\$1,465,000
Subtotal Reappropriation	\$3,065,000
Prior Biennia (Expenditures)	\$3,810,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,875,000

NEW SECTION. Sec. 3217. FOR THE STATE CONSERVATION COMMISSION

2019-21 CREP Riparian Funding (40000003)

Appropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$23,000,000

NEW SECTION. Sec. 3218. FOR THE STATE CONSERVATION COMMISSION

2019-21 Improve Shellfish Growing Areas (40000004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of the appropriation is provided solely for continuing erosion control at North Cove, including beach restoration, erosion control, sediment abatement, soft berm, and dynamic revetment projects.

(2) Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3219. FOR THE STATE CONSERVATION COMMISSION

2019-21 Natural Resource Investments (40000005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to help landowners boost environmental stewardship and agricultural sustainability. The commission must consider funding needs for those districts involved with chinook salmon recovery that will have the most benefit for southern resident killer whales.

(2) Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects.

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$21,000,000

NEW SECTION. Sec. 3220. FOR THE STATE CONSERVATION COMMISSION

2019-21 Match for Federal RCPP (40000006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account—state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission must, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,800,000
TOTAL	\$11,800,000

NEW SECTION. Sec. 3221. FOR THE STATE CONSERVATION COMMISSION

2019-21 Water Irrigation Efficiencies Program (40000009)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The state conservation commission shall give preference to projects located in the sixteen fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants listed in subsection (1) of this section. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed eighty-five percent of the total cost of the conservation measure or irrigation efficiency.

(3) Up to \$300,000 of the appropriation in this section may be allocated for the purchase and installation of flow meters that are implemented in cooperation with the Washington state department of fish and wildlife fish screening program authorized under RCW 77.57.070.

Appropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$19,000,000

NEW SECTION. Sec. 3222. FOR THE STATE CONSERVATION COMMISSION

2019-21 CREP PIP Loan Program (40000010)

Appropriation:

Conservation Assistance Revolving Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000
TOTAL	\$300,000

NEW SECTION. Sec. 3223. FOR THE STATE CONSERVATION COMMISSION

CREP Riparian Cost Share - State Match 2017-19 (91000009)

Reappropriation:

State Building Construction Account—State	\$1,969,000
Prior Biennia (Expenditures)	\$631,000
Future Biennia (Projected Costs)	\$0

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TOTAL	\$2,600,000
<u>NEW SECTION. Sec. 3224. FOR THE STATE</u>	
CONSERVATION COMMISSION	
CREP Riparian Contract Funding 2017-19 (91000010)	
Reappropriation:	
State Building Construction Account—State	\$1,044,000
Prior Biennia (Expenditures)	\$1,256,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,300,000

<u>NEW SECTION. Sec. 3225. FOR THE STATE</u>	
CONSERVATION COMMISSION	
Conservation Commission Ranch & Farmland Preservation Projects (92000004)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3188, chapter 3, Laws of 2015 3rd sp. sess., with the exception of the following: The commission is authorized to reallocate the project funds of \$4,913,000 from the Imrie ranches Rock creek agricultural easement to the purchase of the Simcoe unit.

Reappropriation:	
State Building Construction Account—State	\$4,974,000
Prior Biennia (Expenditures)	\$2,548,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,522,000

<u>NEW SECTION. Sec. 3226. FOR THE STATE</u>	
CONSERVATION COMMISSION	
Natural Resource Investment for the Economy & Environment 2017-19 (92000011)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3090, chapter 2, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$3,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

<u>NEW SECTION. Sec. 3227. FOR THE STATE</u>	
CONSERVATION COMMISSION	
Improve Shellfish Growing Areas 2017-19 (92000012)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3052, chapter 298, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$3,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

<u>NEW SECTION. Sec. 3228. FOR THE STATE</u>	
CONSERVATION COMMISSION	
Match for Federal RCPP Program 2017-19 (92000013)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3053, chapter 298, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$3,377,000
Prior Biennia (Expenditures)	\$623,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

<u>NEW SECTION. Sec. 3229. FOR THE DEPARTMENT</u>	
OF FISH AND WILDLIFE	
Deschutes Watershed Center (20062008)	

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3205, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:	
State Building Construction Account—State	\$9,697,000
Prior Biennia (Expenditures)	\$5,798,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,495,000

<u>NEW SECTION. Sec. 3230. FOR THE DEPARTMENT</u>	
OF FISH AND WILDLIFE	
Migratory Waterfowl Habitat (20082045)	

Reappropriation:	
State Wildlife Account—State	\$500,000
Appropriation:	
State Wildlife Account—State	\$600,000
Prior Biennia (Expenditures)	\$1,388,000
Future Biennia (Projected Costs)	\$1,800,000
TOTAL	\$4,288,000

<u>NEW SECTION. Sec. 3231. FOR THE DEPARTMENT</u>	
OF FISH AND WILDLIFE	
Mitigation Projects and Dedicated Funding (20082048)	

Reappropriation:	
General Fund—Federal	\$10,000,000
General Fund—Private/Local	\$863,000
Special Wildlife Account—Federal	\$1,000,000
Special Wildlife Account—Private/Local	\$1,680,000
State Wildlife Account—State	\$400,000
Subtotal Reappropriation	\$13,943,000
Appropriation:	
General Fund—Federal	\$10,000,000
General Fund—Private/Local	\$1,000,000
Special Wildlife Account—Federal	\$1,000,000
Special Wildlife Account—Private/Local	\$1,000,000
State Wildlife Account—State	\$500,000
Subtotal Appropriation	\$13,500,000
Prior Biennia (Expenditures)	\$72,421,000
Future Biennia (Projected Costs)	\$58,500,000
TOTAL	\$158,364,000

<u>NEW SECTION. Sec. 3232. FOR THE DEPARTMENT</u>	
OF FISH AND WILDLIFE	
Eells Spring Hatchery Renovation (30000214)	

Reappropriation:	
State Building Construction Account—State	\$1,375,000
Appropriation:	
State Building Construction Account—State	\$9,749,000
Prior Biennia (Expenditures)	\$118,000
Future Biennia (Projected Costs)	\$1,400,000
TOTAL	\$12,642,000

<u>NEW SECTION. Sec. 3233. FOR THE DEPARTMENT</u>	
OF FISH AND WILDLIFE	
Samish Hatchery Intakes (30000276)	

Reappropriation:	
State Building Construction Account—State	\$410,000
Appropriation:	
State Building Construction Account—State	\$7,682,000
Prior Biennia (Expenditures)	\$640,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,732,000

NEW SECTION. Sec. 3234. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minter Hatchery Intakes (30000277)	
Reappropriation:	
State Building Construction Account—State	\$6,148,000
Appropriation:	
State Building Construction Account—State	\$2,306,000
Prior Biennia (Expenditures)	\$457,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,911,000

NEW SECTION. Sec. 3235. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wooten Wildlife Area Improve Flood Plain (30000481)	
Reappropriation:	
State Building Construction Account—State	\$60,000
Appropriation:	
General Fund—Federal	\$500,000
State Building Construction Account—State	\$1,000,000
Subtotal Appropriation	\$1,500,000
Prior Biennia (Expenditures)	\$5,540,000
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$13,100,000

NEW SECTION. Sec. 3236. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wallace River Hatchery - Replace Intakes and Ponds (30000660)	
Reappropriation:	
State Building Construction Account—State	\$1,600,000
Appropriation:	
State Building Construction Account—State	\$11,804,000
Prior Biennia (Expenditures)	\$401,000
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$23,805,000

NEW SECTION. Sec. 3237. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Soos Creek Hatchery Renovation (30000661)	
Reappropriation:	
State Building Construction Account—State	\$5,555,000
Appropriation:	
State Building Construction Account—State	\$1,710,000
Prior Biennia (Expenditures)	\$6,144,000
Future Biennia (Projected Costs)	\$3,031,000
TOTAL	\$16,440,000

NEW SECTION. Sec. 3238. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Cooperative Elk Damage Fencing (30000662)	
The reappropriation and appropriation in this section are subject to the following conditions and limitations: The reappropriation and appropriation are to be spent in concert with, where applicable, the co-management agreements between the department of fish and wildlife and treaty tribes.	
Reappropriation:	
State Building Construction Account—State	\$850,000
Appropriation:	
State Building Construction Account—State	\$1,200,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$4,800,000
TOTAL	\$7,200,000

NEW SECTION. Sec. 3239. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Spokane Hatchery Renovation (30000663)	
Appropriation:	

State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,788,000
TOTAL	\$13,931,000

NEW SECTION. Sec. 3240. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Edmonds Pier Renovation (30000664)	
Reappropriation:	
State Building Construction Account—State	\$154,000
Prior Biennia (Expenditures)	\$646,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 3241. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hazard Fuel Reductions, Forest Health and Ecosystem Improvement (30000665)	
Reappropriation:	
State Building Construction Account—State	\$1,500,000
Appropriation:	
State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$3,500,000
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$31,000,000

NEW SECTION. Sec. 3242. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Naselle Hatchery Renovation (30000671)	
Reappropriation:	
State Building Construction Account—State	\$7,441,000
Prior Biennia (Expenditures)	\$691,000
Future Biennia (Projected Costs)	\$28,220,000
TOTAL	\$36,352,000

NEW SECTION. Sec. 3243. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Beaver Creek Hatchery - Renovation (30000680)	
Appropriation:	
State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,899,000
TOTAL	\$18,042,000

NEW SECTION. Sec. 3244. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Eells Springs Production Shift (30000723)	
Reappropriation:	
State Building Construction Account—State	\$1,400,000
Prior Biennia (Expenditures)	\$2,670,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,070,000

NEW SECTION. Sec. 3245. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation (30000727)	
Reappropriation:	
State Building Construction Account—State	\$941,000
Prior Biennia (Expenditures)	\$8,589,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,530,000

NEW SECTION. Sec. 3246. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Puget Sound and Adjacent Waters Nearshore Restoration - Match (30000753)	
Reappropriation:	
General Fund—Federal	\$500,000
State Building Construction Account—State	\$281,000

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Subtotal Reappropriation	\$781,000
Prior Biennia (Expenditures)	\$219,000
Future Biennia (Projected Costs)	\$70,616,000
TOTAL	\$71,616,000

Prior Biennia (Expenditures)	\$315,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,445,000

NEW SECTION. Sec. 3247. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation (30000756)

Reappropriation:

State Building Construction Account—State	\$3,545,000
Prior Biennia (Expenditures)	\$5,955,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,500,000

NEW SECTION. Sec. 3253. FOR THE DEPARTMENT OF FISH AND WILDLIFE

PSNERP Match (30000846)

Reappropriation:

General Fund—Federal	\$1,000,000
State Building Construction Account—State	\$489,000
Subtotal Reappropriation	\$1,489,000
Appropriation:	
General Fund—Federal	\$4,754,000
State Building Construction Account—State	\$3,024,000
Subtotal Appropriation	\$7,778,000
Prior Biennia (Expenditures)	\$11,000
Future Biennia (Projected Costs)	\$424,426,000
TOTAL	\$433,704,000

NEW SECTION. Sec. 3248. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Programmatic (30000782)

Reappropriation:

State Building Construction Account—State	\$2,200,000
Prior Biennia (Expenditures)	\$625,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,825,000

NEW SECTION. Sec. 3254. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Kalama Falls Hatchery Replace Raceways and PA System (30000848)

Reappropriation:

State Building Construction Account—State	\$722,000
Prior Biennia (Expenditures)	\$94,000
Future Biennia (Projected Costs)	\$6,800,000
TOTAL	\$7,616,000

NEW SECTION. Sec. 3249. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Snow Creek Reconstruct Facility (30000826)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3108, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$25,000
Appropriation:	
State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures)	\$75,000
Future Biennia (Projected Costs)	\$4,794,000
TOTAL	\$5,037,000

NEW SECTION. Sec. 3255. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Scatter Creek Wildlife Area Fire Damage (40000005)

Reappropriation:

State Building Construction Account—State	\$1,250,000
Prior Biennia (Expenditures)	\$81,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,331,000

NEW SECTION. Sec. 3250. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Reappropriation:

State Building Construction Account—State	\$2,423,000
Appropriation:	
State Building Construction Account—State	\$3,086,000
Prior Biennia (Expenditures)	\$2,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,511,000

NEW SECTION. Sec. 3256. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation 2019-2021 (40000007)

The appropriation in this section is subject to the following conditions and limitations: Within the amounts appropriated, the department must take actions necessary for the purpose of entering into a public/private partnership for the purpose of managing the Naches hatchery as a self-sustaining enterprise. The department must submit a report to the legislative fiscal committees describing its progress in achieving such a partnership by December 1, 2020.

Appropriation:

State Building Construction Account—State	\$8,030,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,030,000

NEW SECTION. Sec. 3251. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Reappropriation:

State Building Construction Account—State	\$600,000
Appropriation:	
State Building Construction Account—State	\$11,813,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,613,000

NEW SECTION. Sec. 3257. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Programmatic 2019-21 (40000008)

Appropriation:

State Building Construction Account—State	\$2,427,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,427,000

NEW SECTION. Sec. 3252. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dungeness Hatchery - Replace Main Intake (30000844)

Reappropriation:

State Building Construction Account—State	\$300,000
Appropriation:	
State Building Construction Account—State	\$4,830,000

NEW SECTION. Sec. 3258. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Toutle River Fish Collection Facility - Match (40000021)

Appropriation:

State Building Construction Account—State	\$6,775,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,312,000
TOTAL	\$25,087,000

NEW SECTION. Sec. 3259. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Elochoman Hatchery Demolition and Restoration (40000024)	
Appropriation:	
General Fund—Federal	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$250,000
TOTAL	\$500,000

NEW SECTION. Sec. 3260. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Infrastructure Master Plan for SRKW Recovery (40000085)	
Appropriation:	
State Building Construction Account—State	\$713,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$713,000

NEW SECTION. Sec. 3261. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Region 1 Office - Construct Secure Storage (40000087)	
Appropriation:	
State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,329,000
TOTAL	\$6,479,000

NEW SECTION. Sec. 3262. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Access Sites (91000044)	
Reappropriation:	
State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$7,006,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,406,000

NEW SECTION. Sec. 3263. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Lake Rufus Woods Fishing Access (91000151)	
Reappropriation:	
State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 3264. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Leque Island Highway 532 Road Protection (92000019)	
Reappropriation:	
State Building Construction Account—State	\$220,000
Prior Biennia (Expenditures)	\$460,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$680,000

NEW SECTION. Sec. 3265. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Clarks Creek Hatchery Rebuild (92000038)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3114, chapter 2, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$9,500,000
Prior Biennia (Expenditures)	\$6,920,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$16,420,000

NEW SECTION. Sec. 3266. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Plan (RMAP) (30000261)

Reappropriation:	
State Building Construction Account—State	\$1,346,000
Prior Biennia (Expenditures)	\$956,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,302,000

NEW SECTION. Sec. 3267. FOR THE DEPARTMENT OF NATURAL RESOURCES

Sustainable Recreation (30000263)

Reappropriation:	
State Building Construction Account—State	\$366,000
Prior Biennia (Expenditures)	\$2,134,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 3268. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities Preservation and Access (30000266)

Reappropriation:	
State Building Construction Account—State	\$745,000
Prior Biennia (Expenditures)	\$1,255,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3269. FOR THE DEPARTMENT OF NATURAL RESOURCES

Puget SoundCorps (30000267)

Reappropriation:	
State Building Construction Account—State	\$811,000
Prior Biennia (Expenditures)	\$4,189,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3270. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (30000269)

Reappropriation:	
State Building Construction Account—State	\$9,939,000
Prior Biennia (Expenditures)	\$61,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3271. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forestry Riparian Easement Program (FREPP) (30000279)

Reappropriation:	
State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$3,100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 3272. FOR THE DEPARTMENT OF NATURAL RESOURCES

Teanaway Working Forest (30000289)

Reappropriation:	
State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures)	\$881,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,481,000

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NEW SECTION. Sec. 3273. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Hazard Reduction (30000290)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3129, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$6,111,000
Prior Biennia (Expenditures)	\$6,889,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,000,000

NEW SECTION. Sec. 3274. FOR THE DEPARTMENT OF NATURAL RESOURCES

NE Region Storm Damage Road Repair (40000002)

Reappropriation:

State Building Construction Account—State	\$391,000
Prior Biennia (Expenditures)	\$38,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$429,000

NEW SECTION. Sec. 3275. FOR THE DEPARTMENT OF NATURAL RESOURCES

Administrative Site/Minor Works Pool (92000034)

Appropriation:

State Building Construction Account—State	\$1,435,000
Forest Development Account—State	\$3,527,000
Resource Management Cost Account—State	\$4,338,000
Subtotal Appropriation	\$9,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,300,000

NEW SECTION. Sec. 3276. FOR THE DEPARTMENT OF NATURAL RESOURCES

Pasco Local Improvement District (40000019)

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3277. FOR THE DEPARTMENT OF NATURAL RESOURCES

State Forest Land Replacement (40000032)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties with:

- (i) A population of twenty-five thousand or fewer; and
- (ii) Risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(2) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(3) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose.

(4) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsections (1) and (2) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account—State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$30,000,000

NEW SECTION. Sec. 3278. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (40000034)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department of natural resources to transfer from trust status certain trust lands of statewide significance deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, department of natural resources community forest open spaces, or recreation purposes. The approved property for transfer is identified in the LEAP capital document No. 2019-304S, developed March 27, 2019.

(2) Property transferred under this section must be appraised and transferred at fair market value. By September 30, 2019, the department must deposit in the common school construction account the portion of the appropriation in this section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs, and may not exceed one and nine-tenths percent of the appropriation.

(4) By June 30, 2020, land within the common school trust shall be exchanged for land of equal value held for other trust beneficiaries of the property identified in subsection (1) of this section.

(5) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Fee transfer agreements for properties identified in subsection (1) of this section must include terms that perpetually restrict the use of the property to the intended purpose. Transfer agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the originally intended public purpose and the department and legislature approves such uses.

(6) The department shall work in good faith to carry out the intent of this section.

(7) By June 30, 2021, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3279. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Plan (RMAP) (40000037)

Appropriation:

State Building Construction Account—State	\$3,766,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,766,000

NEW SECTION. Sec. 3280. FOR THE DEPARTMENT OF NATURAL RESOURCES

Teanaway (40000038)

Appropriation:

State Building Construction Account—State	\$1,856,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,856,000

NEW SECTION. Sec. 3281. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Acquisition Grants (40000039)

Appropriation:

General Fund—Federal	\$18,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$58,000,000

NEW SECTION. Sec. 3282. FOR THE DEPARTMENT OF NATURAL RESOURCES

Puget Sound Corps (40000041)

Appropriation:

State Building Construction Account—State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 3283. FOR THE DEPARTMENT OF NATURAL RESOURCES

Sunshine Mine (40000042)

Appropriation:

Model Toxics Control Capital Account—State	\$130,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$130,000

NEW SECTION. Sec. 3284. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Replacement (40000043)

Appropriation:

Resource Management Cost Account—State	\$30,000,000
Natural Resources Real Property Replacement Account—State	\$30,000,000
Community and Technical College Forest Reserve Account—State	\$1,000,000
Subtotal Appropriation	\$61,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$61,000,000

NEW SECTION. Sec. 3285. FOR THE DEPARTMENT OF NATURAL RESOURCES

Sustainable Recreation (40000044)

Appropriation:

State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 3286. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy 2019-21 (40000045)

Appropriation:

General Fund—Federal	\$15,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,000,000

NEW SECTION. Sec. 3287. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities 2019-21 (40000046)

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3288. FOR THE DEPARTMENT OF NATURAL RESOURCES

School Seismic Safety Assessments (40000047)

Appropriation:

State Building Construction Account—State	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,200,000

NEW SECTION. Sec. 3289. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Hazard Reduction (40000049)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$13,200,000 is provided solely for: Mitigating risk of uncharacteristic wildfire and other disturbances to protect lives, communities, property, ecosystems, and working forests; implementing forest health treatments, prioritized pursuant to chapter 76.06 RCW, on state lands and state forestlands, private lands, and federal lands, including implementation of the "good neighbor" agreement signed with the United States forest service and the bureau of land management, and "good neighbor" cross boundary competitive grants to forest collaboratives; and increasing the use of prescribed fire through improved trainings, prescribed burn certification programs, and shared stewardship strategies with federal land managers.

(2) \$1,000,000 is provided solely for administering the forest health treatments pursuant to subsection (1) of this section with the following conditions and limitations:

(a) The department must contract with the Washington conservation corps, including veterans, to provide forest health treatments that may include thinning, pruning, and brush disposal, and other wildfire preparedness and fuel modification practices; and

(b) The department must work in conjunction with communities, counties, fire districts, and conservation districts in

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implementing wildfire preparedness and fuel modification practices.

Appropriation:

State Building Construction Account—State	\$14,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$60,000,000
TOTAL	\$74,200,000

NEW SECTION. Sec. 3290. FOR THE DEPARTMENT OF NATURAL RESOURCES

Large Vessel Removals (40000051)

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$9,000,000

NEW SECTION. Sec. 3291. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Riparian Easement Program (FREP) (40000052)

Appropriation:

State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$22,500,000

NEW SECTION. Sec. 3292. FOR THE DEPARTMENT OF NATURAL RESOURCES

Rivers and Habitat Open Space Program (RHOSP) (40000053)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3293. FOR THE DEPARTMENT OF NATURAL RESOURCES

Cultural Resources Conservation Easement Program (CRCEP) (40000054)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3294. FOR THE DEPARTMENT OF NATURAL RESOURCES

Federal ESA Mitigation Grants (91000087)

Reappropriation:

General Fund—Federal	\$4,000,000
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3295. FOR THE DEPARTMENT OF NATURAL RESOURCES

Port of Willapa Harbor Energy Innovation District Grant (91000099)

Reappropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 3296. FOR THE DEPARTMENT OF NATURAL RESOURCES

Assessing and Improving Economic Performance of Trust Lands (91000100)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to conduct the asset valuation of state lands and state forestlands held in trust and managed by the department as required in section 7024 of this act.

Reappropriation:

State Building Construction Account—State	\$430,000
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Appropriation:

Forest Development Account—State	\$550,000
Resource Management Cost Account—State	\$550,000
Subtotal Appropriation	\$1,100,000
Prior Biennia (Expenditures)	\$125,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,655,000

NEW SECTION. Sec. 3297. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy 2017-19 (92000032)

Reappropriation:

General Fund—Federal	\$7,100,000
Prior Biennia (Expenditures)	\$7,900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,000,000

NEW SECTION. Sec. 3298. FOR THE DEPARTMENT OF AGRICULTURE

Craft Brewing and Distilling Center (91000006)

Reappropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3299. FOR THE DEPARTMENT OF AGRICULTURE

Grants to Improve Safety and Access at Fairs (92000003)

Reappropriation:

State Building Construction Account—State	\$48,000
Prior Biennia (Expenditures)	\$2,052,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,100,000

NEW SECTION. Sec. 3300. FOR THE DEPARTMENT OF AGRICULTURE

2019-21 Grants to Improve Safety and Access at Fairs (92000004)

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL

Fire Training Academy Stormwater Remediation (30000030)

Reappropriation:

Fire Service Training Account—State	\$2,832,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,132,000

NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL

FTA Burn Building - Structural Repairs (30000256)

Appropriation:

Fire Service Training Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL

Kennewick Laboratory Renovations and Security Improvements (30000266)

Appropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 4004. FOR THE WASHINGTON STATE PATROL

High Throughput DNA Laboratory (40000002)

The appropriation in this section is subject to the following conditions and limitations: \$277,000 is provided solely for renovations to the crime lab.

Appropriation:

State Building Construction Account—State	\$277,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$277,000

NEW SECTION. Sec. 4005. FOR THE DEPARTMENT OF TRANSPORTATION

Aviation Revitalization Loans (92000003)

The reappropriation in this section is subject to the following conditions and limitations:

(1)(a) The department of transportation must convene a community aviation revitalization board to exercise the powers granted under this section.

(b) The board must consist of a representative from the department of transportation's aviation division, the public works board, and a nonlegislative member of the community economic revitalization board. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair.

(c) Management services, including fiscal and contract services, must be provided by the department of transportation to assist the board in implementing this section.

(d) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the secretary of transportation must fill the vacancy for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the secretary of transportation, under chapter 34.05 RCW.

(e) A member appointed by the secretary of transportation may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the secretary of transportation.

(f) A majority of members currently appointed constitutes a quorum.

(g) The board must meet three times a year or as deemed necessary by the department of transportation.

(h) Staff support to the board must be provided by the department of transportation as needed.

(2) In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, any community aviation revitalization board member, appointive or otherwise, may not participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any aid under this section. If such participation occurs, the board must void the transaction and the involved member is subject to further sanctions as provided by law. The board must adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

(3) The community aviation revitalization board may:

(a) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(b) Adopt an official seal and alter the seal at its pleasure;

(c) Utilize the services of other governmental agencies;

(d) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants;

(e) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers;

(f) Accept any gifts, grants, loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions that are not in conflict with this section;

(g) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this section;

(h) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section; and

(i) Perform all acts and things necessary or convenient to carry out the powers expressly granted or implied under this section.

(4)(a) The community aviation revitalization board may make direct loans to airport sponsors of public use airports in the state for the purpose of airport improvements that primarily support general aviation activities. The board may provide loans for the purpose of airport improvements only if the state is receiving commensurate public benefit, which must include, as a condition of the loan, a commitment to provide public access to the airport for a period of time equivalent to one and one-half times the term of the loan. For purposes of this subsection, "public use airports" means all public use airports not listed as having more than seventy-five thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(b) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(i) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(ii) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

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(iii) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(iv) The loan application project results in the creation or retention of long-term economic opportunities; and

(v) The loan application project results in leveraging additional federal funding for an airport.

(c)(i) If the board chooses to require a local match, the board must develop guidelines for local participation and allowable match and activities.

(ii) An application must:

(A) Be supported by the port district, city, or county in which the project is located; or

(B) Clearly identify the source of funds intended to repay the loan.

(5) The public use general aviation airport loan program, when authorized by the community aviation revitalization board, is subject to the following conditions:

(a) The moneys in the public use general aviation airport loan revolving account created in section 7027 of this act must be used only to fulfill commitments arising from loans authorized in this section and section 6011 of this act. The total outstanding amount that the board must dispense at any time pursuant to this section must not exceed the moneys available from the account.

(b) On contracts made for public use general aviation airport loans, the board must determine the interest rate that loans must bear. The interest rate must not exceed the amount needed to cover the administrative expenses of the board and the loan program. The board may provide reasonable terms and conditions for the repayment of loans, with the repayment of a loan to begin no later than three years after the award date of the loan. The loans must not exceed twenty years in duration.

(c) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

(6) All receipts from moneys collected under this section must be deposited into the public use general aviation airport loan revolving account created in section 7027 of this act.

Reappropriation:

Public Works Assistance Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

**PART 5
EDUCATION**

NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Pierce County Skills Center (20084856)

Reappropriation:

State Building Construction Account—State	\$472,000
Prior Biennia (Expenditures)	\$35,072,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,544,000

NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2011-2013 School Construction Assistance Program (30000071)

Reappropriation:

Common School Construction Account—State	\$657,000
Prior Biennia (Expenditures)	\$529,395,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$530,052,000

NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2013-2015 School Construction Assistance Program - Maintenance (30000145)

Reappropriation:

State Building Construction Account—State	\$4,594,000
Prior Biennia (Expenditures)	\$382,788,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$387,382,000

NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Tri-Tech Skills Center East Growth (30000159)

Reappropriation:

State Building Construction Account—State	\$1,702,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,702,000

NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2015-17 School Construction Assistance Program (30000169)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5013, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Common School Construction Account—State	\$44,700,000
Prior Biennia (Expenditures)	\$509,931,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$554,631,000

NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Emergency Repairs and Equal Access Grants for K-12 Public Schools (30000182)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5001, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,795,000
Prior Biennia (Expenditures)	\$2,205,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Healthy Kids / Healthy Schools (30000184)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5002, chapter 298, Laws of 2018.

Reappropriation:

Common School Construction Account—State	\$3,049,000
Prior Biennia (Expenditures)	\$201,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,250,000

NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Skill Centers – Minor Works (30000187)

Reappropriation:

School Construction and Skill Centers Building Account (Bonds)—State	\$2,691,000
Prior Biennia (Expenditures)	\$309,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
Tri-Tech Skill Center - Core Growth (30000197)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5004, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$10,807,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,807,000

NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
STEM Classrooms and Labs (30000203)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$11,344,000
Prior Biennia (Expenditures)	\$1,656,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,000,000

NEW SECTION. Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
2017-19 School Construction Assistance Program (40000003)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5003, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$475,282,000
Common School Construction Account—State	\$255,948,000
Subtotal Reappropriation	\$731,230,000
Prior Biennia (Expenditures)	\$217,520,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$948,750,000

NEW SECTION. Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
2019-21 School Construction Assistance Program - Maintenance Level (40000013)

Appropriation:

State Building Construction Account—State	\$884,021,000
Common School Construction Account—State	\$133,433,000
Common School Construction Account—Federal	\$3,000,000
Subtotal Appropriation	\$1,020,454,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,870,192,000
TOTAL	\$5,890,646,000

NEW SECTION. Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
West Sound Technical Skills Center Modernization (40000015)

Appropriation:

State Building Construction Account—State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 5014. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
Pierce County Skills Center - Evergreen Building Modernization (40000016)

Appropriation:

State Building Construction Account—State	\$146,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$146,000

NEW SECTION. Sec. 5015. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
Administration (40000018)

Appropriation:

Common School Construction Account—State	\$4,124,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,124,000

NEW SECTION. Sec. 5016. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
School District Health and Safety 2019-21 (40000019)

Appropriation:

State Building Construction Account—State	\$2,000,000
Common School Construction Account—State	\$2,000,000
Subtotal Appropriation	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$44,000,000

NEW SECTION. Sec. 5017. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
Study and Survey Funding Enhancement - Natural Hazards Assessment (40000020)

Appropriation:

Common School Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,529,000
TOTAL	\$7,529,000

NEW SECTION. Sec. 5018. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
Healthy Kids / Healthy Schools 2019-21 (40000021)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts and the department of health, shall develop or use its previously developed criteria for providing funding for specific projects that are consistent with the healthiest next generation priorities. The criteria must include, but are not limited to, the following:

- (a) Districts or schools may apply for grants but no single district may receive more than \$200,000 of the appropriation;
- (b) Any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and
- (c) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

(2) The appropriation may be used:

(a) For water bottle filling stations, which may include replacement of lead-contaminated drinking water fixtures.

(b) To purchase equipment or make repairs related to improving children's physical health which may include, but is not limited to: Fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation.

(c) To purchase equipment or make repairs related to improving children's nutrition which may include, but is not limited to: Garden related structures and greenhouses to provide

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students access to fresh produce, and kitchen equipment or upgrades.

verified by the office of the superintendent of public instruction to be either in the design or construction phase by June 30, 2020.

Appropriation:

Common School Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$27,000,000
TOTAL	\$30,000,000

Reappropriation:

State Building Construction Account—State	\$109,454,000
Prior Biennia (Expenditures)	\$125,046,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$234,500,000

NEW SECTION. Sec. 5019. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEW SECTION. Sec. 5024. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Skills Centers Minor Works (40000023)

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

Small Rural District Modernization Grants (92000040)

Reappropriation:

State Building Construction Account—State	\$41,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$41,000,000

NEW SECTION. Sec. 5020. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEW SECTION. Sec. 5025. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 Career Preparation and Launch Equipment Grants (40000032)

Distressed Schools (92000041)

The appropriation in this section is subject to the following conditions and limitations:

Reappropriation:

State Building Construction Account—State	\$41,585,000
Prior Biennia (Expenditures)	\$3,901,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,486,000

(1) This appropriation is provided solely for the superintendent to provide competitive grants to districts to purchase and install equipment that expands career connected learning opportunities.

NEW SECTION. Sec. 5026. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(2) The superintendent shall develop common criteria for providing competitive grant funding and outcomes for specific projects.

Everett Pathways to Medical Education (92000123)

(3) Each grant award may not exceed \$300,000 and a district may receive only one grant from the appropriation.

Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 5027. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEW SECTION. Sec. 5021. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Agricultural Science in Schools Grant to FFA Foundation (92000122)

STEM Pilot Program (91000402)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5026, chapter 3, Laws of 2015 3rd sp. sess.

Appropriation:

State Building Construction Account—State	\$1,750,000
Prior Biennia (Expenditures)	\$1,620,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,370,000

Reappropriation:

State Building Construction Account—State	\$3,046,000
Prior Biennia (Expenditures)	\$9,454,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,500,000

NEW SECTION. Sec. 5028. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEW SECTION. Sec. 5022. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Financial Assistance Percentage Enhancement (92000138)

Puget Sound Skills Center (92000007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5853 (school construction). If the bill is not enacted by June 30, 2019, the amount provided in this section shall lapse.

Reappropriation:

State Building Construction Account—State	\$67,000
Prior Biennia (Expenditures)	\$20,866,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,933,000

Appropriation:

State Building Construction Account—State	\$23,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,000,000

NEW SECTION. Sec. 5023. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEW SECTION. Sec. 5029. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

K-3 Class-size Reduction Grants (92000039)

2019-21 Small District Modernization Grants (92000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5028, chapter 3, Laws of 2015 3rd sp. sess. Funding shall lapse for grant awards for projects that are not

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of the appropriation is provided solely for planning grants as specified in Second Substitute Senate Bill No.

5572 (school modernization grants). If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.

(2) \$22,000,000 of the appropriation is provided solely for construction projects in small rural districts, with total enrollments of less than one thousand students, where the school facility does not need to be replaced and does not require an extensive modernization but does have significant building system deficiencies. No individual school district may receive a grant that exceeds \$5,000,000. The office of the superintendent of public instruction shall use an expedited grant application process in selecting the grant recipients funded by this subsection.

Appropriation:

State Building Construction Account—State	\$23,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,000,000

NEW SECTION. Sec. 5030. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 STEM Grants (92000140)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the Laser Interferometer Gravitational-Wave Observatory (LIGO) STEM Observatory in Richland, Washington.

Appropriation:

State Building Construction Account—State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 5031. FOR THE STATE SCHOOL FOR THE BLIND

2017-2019 Campus Preservation (30000100)

Reappropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$420,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$570,000

NEW SECTION. Sec. 5032. FOR THE STATE SCHOOL FOR THE BLIND

Independent Living Skills Center (30000107)

Reappropriation:

State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures)	\$27,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$170,000

NEW SECTION. Sec. 5033. FOR THE STATE SCHOOL FOR THE BLIND

2019-2021 Campus Preservation (40000004)

Appropriation:

State Building Construction Account—State	\$580,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,800,000
TOTAL	\$3,380,000

NEW SECTION. Sec. 5034. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Academic and Physical Education Building (30000036)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5009, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$786,000
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Prior Biennia (Expenditures)	\$214,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5035. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Minor Works: Preservation 2019-21 (30000045)

Appropriation:

State Building Construction Account—State	\$850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$4,850,000

NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell (30000378)

The appropriation in this section is subject to the following conditions and limitations:

(1) The University of Washington and Cascadia College shall be tenants in common of the building constructed with this appropriation and shall have joint, equal, and undivided authority in the governance of the design, construction, and operation of the building.

(2) Half of the assignable space constructed with this appropriation shall be designed for and used exclusively by Cascadia College. Cascadia shall pay no rent or operations and maintenance expenses to the University of Washington for the space constructed with this appropriation.

(3) \$2,343,000 of the appropriation in this section is provided solely for Cascadia College for equipment and project management.

(4) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(5) The building must be built using sustainable building standards as defined in section 7009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,118,000
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Appropriation:

State Building Construction Account—State	\$75,938,000
Prior Biennia (Expenditures)	\$382,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$79,438,000

NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Education - T-Wing Renovation/Addition (30000486)

Reappropriation:

State Building Construction Account—State	\$9,400,000
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Appropriation:

State Building Construction Account—State	\$55,000,000
Prior Biennia (Expenditures)	\$1,223,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$65,623,000

NEW SECTION. Sec. 5038. FOR THE UNIVERSITY OF WASHINGTON

2017-2019 Minor Works - Preservation (30000736)

Reappropriation:

University of Washington Building Account—State	\$10,500,000
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Prior Biennia (Expenditures)	\$19,975,000
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Future Biennia (Projected Costs)	\$0
TOTAL	\$30,475,000

NEW SECTION. Sec. 5039. FOR THE UNIVERSITY OF WASHINGTON

UW Major Infrastructure (30000808)

Reappropriation:

University of Washington Building Account—State	\$14,500,000
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Appropriation:

University of Washington Building Account—State	\$15,000,000
Prior Biennia (Expenditures)	\$3,000,000
Future Biennia (Projected Costs)	\$22,000,000
TOTAL	\$54,500,000

NEW SECTION. Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON

Evans School - Parrington Hall Renovation (30000810)

Reappropriation:

State Building Construction Account—State	\$8,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON

2019-2021 Minor Works - Preservation (40000004)

Appropriation:

University of Washington Building Account—State	\$47,466,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$47,466,000

NEW SECTION. Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON

Behavioral Health Teaching Hospital (40000038)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for planning and reporting pursuant to Engrossed Second Substitute House Bill No. 1593 (UW behavioral health campus). If the bill is not enacted by June 30, 2019, the appropriation in this section shall lapse.

(2) If Substitute Senate Bill No. 5537 (behavioral health facilities) is not enacted by June 30, 2019, and ratified by the people by December 5, 2019, then the community behavioral health account appropriation provided in this section shall lapse.

Appropriation:

Community Behavioral Health Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	\$181,000,000

NEW SECTION. Sec. 5043. FOR THE UNIVERSITY OF WASHINGTON

Ctr for Advanced Materials and Clean Energy Research Test Beds (91000016)

Reappropriation:

State Building Construction Account—State	\$18,500,000
Prior Biennia (Expenditures)	\$10,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,000,000

NEW SECTION. Sec. 5044. FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (91000024)

Appropriation:

University of Washington Building Account—State	\$25,825,000
Prior Biennia (Expenditures)	\$25,825,000
Future Biennia (Projected Costs)	\$103,300,000
TOTAL	\$154,950,000

NEW SECTION. Sec. 5045. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Campus Soil Remediation (92000002)

Appropriation:

Model Toxics Control Capital Account—State	\$1,800,000
Prior Biennia (Expenditures)	\$6,200,000
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$12,000,000

NEW SECTION. Sec. 5046. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma (20102002)

The appropriation in this section is subject to the following conditions and limitations: At least ten percent of the total cost of this project must be paid from private funds.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$36,000,000
TOTAL	\$40,500,000

NEW SECTION. Sec. 5047. FOR THE UNIVERSITY OF WASHINGTON

College of Engineering Interdisciplinary Ed./Research Center I (30000492)

Appropriation:

University of Washington Building Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$600,000
Future Biennia (Projected Costs)	\$45,000,000
TOTAL	\$49,600,000

NEW SECTION. Sec. 5048. FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Pullman - Plant Sciences Building (30000519)

Reappropriation:

State Building Construction Account—State	\$26,213,000
Prior Biennia (Expenditures)	\$32,887,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$59,100,000

NEW SECTION. Sec. 5049. FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Vancouver - Life Sciences Building (30000840)

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$52,600,000
TOTAL	\$57,100,000

NEW SECTION. Sec. 5050. FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Tri-Cities - Academic Building (30001190)

Reappropriation:

State Building Construction Account—State	\$2,267,000
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Appropriation:

State Building Construction Account—State	\$27,000,000
Prior Biennia (Expenditures)	\$1,133,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,400,000

NEW SECTION. Sec. 5051. FOR THE WASHINGTON STATE UNIVERSITY

Global Animal Health Building (30001322)	
Reappropriation:	
State Building Construction Account—State	\$7,000,000
Appropriation:	
State Building Construction Account—State	\$36,400,000
Prior Biennia (Expenditures)	\$16,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$59,400,000

NEW SECTION. Sec. 5052. FOR THE WASHINGTON STATE UNIVERSITY

2017-19 Minor Works - Preservation (MCR) (30001342)	
Reappropriation:	
Washington State University Building Account—	
State	\$2,500,000
Prior Biennia (Expenditures)	\$19,795,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,295,000

NEW SECTION. Sec. 5053. FOR THE WASHINGTON STATE UNIVERSITY

Minor Capital Program (MCI&Omn Eqp): 2019-21 (40000010)	
Appropriation:	
Washington State University Building Account—	
State	\$5,328,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$93,000,000
TOTAL	\$98,328,000

NEW SECTION. Sec. 5054. FOR THE WASHINGTON STATE UNIVERSITY

Minor Capital Preservation (MCR): 2019-21 (40000011)	
Appropriation:	
Washington State University Building Account—	
State	\$21,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$177,000,000
TOTAL	\$198,400,000

NEW SECTION. Sec. 5055. FOR THE WASHINGTON STATE UNIVERSITY

Spokane-Biomedical and Health Sc Building Ph II (40000012)	
Appropriation:	
Washington State University Building Account—	
State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$83,600,000
TOTAL	\$84,100,000

NEW SECTION. Sec. 5056. FOR THE WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (91000041)	
Appropriation:	
Washington State University Building Account—	
State	\$10,115,000
Prior Biennia (Expenditures)	\$10,115,000
Future Biennia (Projected Costs)	\$40,460,000
TOTAL	\$60,690,000

NEW SECTION. Sec. 5057. FOR THE WASHINGTON STATE UNIVERSITY

Everett Real Estate Acquisition (40000006)	
Appropriation:	
Washington State University Building Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 5058. FOR THE EASTERN WASHINGTON UNIVERSITY

Interdisciplinary Science Center (30000001)	
Reappropriation:	
State Building Construction Account—State	\$55,000,000
Prior Biennia (Expenditures)	\$17,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$72,200,000

NEW SECTION. Sec. 5059. FOR THE EASTERN WASHINGTON UNIVERSITY

Science Renovation (30000549)	
Appropriation:	
State Building Construction Account—State	\$7,937,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$103,838,000
TOTAL	\$111,775,000

NEW SECTION. Sec. 5060. FOR THE EASTERN WASHINGTON UNIVERSITY

Engineering Building (30000556)	
Reappropriation:	
Eastern Washington University Capital Projects Account—State	\$245,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$56,695,000
TOTAL	\$57,040,000

NEW SECTION. Sec. 5061. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works: Preservation 2019-21 (40000011)	
Appropriation:	
Eastern Washington University Capital Projects Account—State	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,500,000

NEW SECTION. Sec. 5062. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works: Program 2019-21 (40000015)	
Appropriation:	
Eastern Washington University Capital Projects Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 5063. FOR THE EASTERN WASHINGTON UNIVERSITY

Infrastructure Renewal II (40000016)	
Appropriation:	
State Building Construction Account—State	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION. Sec. 5064. FOR THE EASTERN WASHINGTON UNIVERSITY

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Preventative Maintenance/Backlog Reduction (40000017)
 Appropriation:
 Eastern Washington University Capital Projects
 Account—State \$2,217,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$8,868,000
 TOTAL \$11,085,000

NEW SECTION. Sec. 5065. FOR THE EASTERN WASHINGTON UNIVERSITY

Albers Court Improvements (40000036)
 Appropriation:
 State Building Construction Account—State \$4,953,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,953,000

NEW SECTION. Sec. 5066. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (91000019)
 Reappropriation:
 Eastern Washington University Capital Projects
 Account—State \$3,000,000
 Prior Biennia (Expenditures) \$4,500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,500,000

NEW SECTION. Sec. 5067. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Program (91000021)
 Reappropriation:
 Eastern Washington University Capital Projects
 Account—State \$1,500,000
 Prior Biennia (Expenditures) \$1,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,500,000

NEW SECTION. Sec. 5068. FOR THE CENTRAL WASHINGTON UNIVERSITY

Nutrition Science (30000456)
 Reappropriation:
 State Building Construction Account—State \$21,550,000
 Appropriation:
 State Building Construction Account—State \$32,000,000
 Prior Biennia (Expenditures) \$6,030,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$59,580,000

NEW SECTION. Sec. 5069. FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation (30000783)
 Reappropriation:
 Central Washington University Capital Projects
 Account—State \$500,000
 Prior Biennia (Expenditures) \$7,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,500,000

NEW SECTION. Sec. 5070. FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works Program: 2019-21 (40000007)
 Appropriation:
 Central Washington University Capital Projects
 Account—State \$1,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$19,000,000
 TOTAL \$20,000,000

NEW SECTION. Sec. 5071. FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation: 2019-21 (40000041)
 Appropriation:
 Central Washington University Capital Projects
 Account—State \$7,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$36,452,000
 TOTAL \$43,452,000

NEW SECTION. Sec. 5072. FOR THE CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (91000018)
 Appropriation:
 Central Washington University Capital Projects
 Account—State \$2,422,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,422,000

NEW SECTION. Sec. 5073. FOR THE CENTRAL WASHINGTON UNIVERSITY

Health Education (40000009)
 Appropriation:
 State Building Construction Account—State \$6,900,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$60,000,000
 TOTAL \$66,900,000

NEW SECTION. Sec. 5074. FOR THE EVERGREEN STATE COLLEGE

Minor Works—Preservation: 2019-21 (91000031)
 Appropriation:
 State Building Construction Account—State \$2,691,000
 The Evergreen State College Capital Projects
 Account—State \$3,175,000
 Subtotal Appropriation \$5,866,000
 Prior Biennia (Expenditures) \$10,348,000
 Future Biennia (Projected Costs) \$48,115,000
 TOTAL \$64,329,000

NEW SECTION. Sec. 5075. FOR THE EVERGREEN STATE COLLEGE

Minor Works Program: 2019-21 (91000033)
 Appropriation:
 The Evergreen State College Capital Projects
 Account—State \$1,500,000
 Prior Biennia (Expenditures) \$1,164,000
 Future Biennia (Projected Costs) \$6,600,000
 TOTAL \$9,264,000

NEW SECTION. Sec. 5076. FOR THE EVERGREEN STATE COLLEGE

Lab I Seismic and HVAC Renovation (30000586)
 Appropriation:
 State Building Construction Account—State \$4,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 5077. FOR THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (91000034)
 Appropriation:
 The Evergreen State College Capital Projects
 Account—State \$880,000

Prior Biennia (Expenditures)	\$1,613,000
Future Biennia (Projected Costs)	\$2,923,000
TOTAL	\$5,416,000

NEW SECTION. Sec. 5078. FOR THE EVERGREEN STATE COLLEGE

Critical Power, Safety, and Security Systems (30000613)

Reappropriation:

State Building Construction Account—State	\$8,600,000
Prior Biennia (Expenditures)	\$1,900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,500,000

NEW SECTION. Sec. 5079. FOR THE EVERGREEN STATE COLLEGE

Health and Counseling Center (30000614)

Reappropriation:

State Building Construction Account—State	\$400,000
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Appropriation:

State Building Construction Account—State	\$5,400,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,900,000

NEW SECTION. Sec. 5080. FOR THE EVERGREEN STATE COLLEGE

Facilities Preservation (91000010)

Reappropriation:

The Evergreen State College Capital Projects Account—State	\$1,100,000
Prior Biennia (Expenditures)	\$6,400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

NEW SECTION. Sec. 5081. FOR THE EVERGREEN STATE COLLEGE

Historic Lord Mansion (91000029)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5016, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$404,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$504,000

NEW SECTION. Sec. 5082. FOR THE WESTERN WASHINGTON UNIVERSITY

Access Control Security Upgrades (30000604)

Reappropriation:

Western Washington University Capital Projects Account—State	\$750,000
Prior Biennia (Expenditures)	\$750,000
Future Biennia (Projected Costs)	\$6,900,000
TOTAL	\$8,400,000

NEW SECTION. Sec. 5083. FOR THE WESTERN WASHINGTON UNIVERSITY

Sciences Building Addition & Renovation (30000768)

Reappropriation:

State Building Construction Account—State	\$4,000,000
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Appropriation:

State Building Construction Account—State	\$60,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$66,000,000

NEW SECTION. Sec. 5084. FOR THE WESTERN WASHINGTON UNIVERSITY

2017-2019 Classroom & Lab Upgrades (30000769)

Reappropriation:

State Building Construction Account—State	\$3,500,000
Western Washington University Capital Projects Account—State	\$450,000
Subtotal Reappropriation	\$3,950,000
Prior Biennia (Expenditures)	\$2,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,650,000

NEW SECTION. Sec. 5085. FOR THE WESTERN WASHINGTON UNIVERSITY

Elevator Preservation Safety and ADA Upgrades (30000772)

Reappropriation:

State Building Construction Account—State	\$1,800,000
Western Washington University Capital Projects Account—State	\$1,000,000
Subtotal Reappropriation	\$2,800,000
Prior Biennia (Expenditures)	\$388,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,188,000

NEW SECTION. Sec. 5086. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation (30000781)

Reappropriation:

State Building Construction Account—State	\$1,100,000
Western Washington University Capital Projects Account—State	\$3,000,000
Subtotal Reappropriation	\$4,100,000
Prior Biennia (Expenditures)	\$2,079,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,179,000

NEW SECTION. Sec. 5087. FOR THE WESTERN WASHINGTON UNIVERSITY

2019-2021 Classroom & Lab Upgrades (30000869)

Appropriation:

State Building Construction Account—State	\$2,500,000
Western Washington University Capital Projects Account—State	\$500,000
Subtotal Appropriation	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 5088. FOR THE WESTERN WASHINGTON UNIVERSITY

Electrical Engineering/Computer Science Building (30000872)

The appropriation in this section is subject to the following conditions and limitations: The legislature intends to provide funding for both design and construction of this project in the 2021-2023 biennium. At least ten percent of the total cost of this project must be paid from private funds.

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$46,000,000
TOTAL	\$46,500,000

NEW SECTION. Sec. 5089. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation: 2019-21 (30000873)

Appropriation:

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Western Washington University Capital Projects	
Account—State	\$6,846,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$55,768,000
TOTAL	\$62,614,000

NEW SECTION. Sec. 5090. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Program: 2019-21 (30000885)	
Appropriation:	
Western Washington University Capital Projects	
Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$31,136,000
TOTAL	\$32,136,000

NEW SECTION. Sec. 5091. FOR THE WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (91000013)	
Appropriation:	
Western Washington University Capital Projects	
Account—State	\$3,554,000
Prior Biennia (Expenditures)	\$3,614,000
Future Biennia (Projected Costs)	\$16,616,000
TOTAL	\$23,784,000

NEW SECTION. Sec. 5092. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (30000237)	
Reappropriation:	
State Building Construction Account—State	\$643,000
Prior Biennia (Expenditures)	\$9,054,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,697,000

NEW SECTION. Sec. 5093. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation (30000288)	
Reappropriation:	
State Building Construction Account—State	\$1,350,000
Prior Biennia (Expenditures)	\$2,150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 5094. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grants Projects (30000297)	
Reappropriation:	
State Building Construction Account—State	\$7,885,000
Prior Biennia (Expenditures)	\$1,101,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,986,000

NEW SECTION. Sec. 5095. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Strategic Facility Master Plan (40000004)	
Reappropriation:	
State Building Construction Account—State	\$42,000
Prior Biennia (Expenditures)	\$33,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000

NEW SECTION. Sec. 5096. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grant Projects: 2019-21 (40000014)
 The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Metro Parks Tacoma - W.W. Seymour Botanical Conservatory Rehab	\$773,000
Discover Your Northwest - Chittenden Locks Fish Ladder Viewing	\$382,000
Foss Waterway Seaport - Balfour Dock Building: Phase III	\$307,000
City of Tumwater, WA - Old Brewhouse Tower Rehab	\$513,000
Gig Harbor - Harbor History Museum - Fishing Vessel Shenandoah	\$100,000
City of Vancouver, Washington - Re-roof 3 Bldgs Officer's Row	\$150,000
NW School of Wooden Boatbuilding - Expanding Public Access	\$240,000
Kalispel Tribe - Restoration of Our Lady of Sorrows Church	\$33,000
KC Dept. of Natural Resources - Mukai Farmstead & Garden Preserv	\$600,000
City of Edmonds - Edmonds Museum (Carnegie Library Restoration)	\$74,000
Vancouver National Historic Reserve Trust - Renovate Providence	\$490,000
Washington Trust for Historic Preservation - Stimson-Green Mansion	\$100,000
Phinney Neighborhood Association - John B. Allen School	\$30,000
PNW Railroad Archive - Mounting rails	\$47,000
City of Roslyn - Historic Community Center, Library, & City Hall	\$233,000
Quincy Valley Historical Society & Museum - Comm Heritage Barn	\$41,000
The NW Railway Museum - Puget Sound Electric Railway Interurban	\$229,000
The Cutter Theatre - 1912 Metaline Falls School Re-Roofing	\$26,000
Delridge Neighborhoods Dev Assoc - Structural improvements	\$299,000
Seattle City Light - Continue Georgetown Steam Plan	\$773,000
Skagit County Historical Society - Skagit City School Rehab	\$22,000
Mount Baker Theatre - Mount Baker Theatre Preservation	\$1,000,000
North Bay Historical Society - Sargent Oyster House Restoration	\$160,000
City of Lynnwood - Heritage Park Water Tower Phase II Renovation	\$367,000
Town of Waverly - Restoration of Prairie View Schoolhouse	\$55,000
City of Lacey - Renovating Lacey warehouse for new museum	\$979,000
Northwest Schooner Society - Restoration 1906 Keepers Quarters	\$82,000
Sammamish Heritage Society - Reard House Phase III: Reconstruct	\$123,000
Cheney Depot Society - Cheney Depot Relocation & Rehabilitation	\$367,000
The 5th Ave Theatre Assoc - Theatre Upgrade: Auditorium	\$560,000
Highline Historical Society - Phase 3: Highline Heritage Museum	\$71,000

University Place Historical Society - Curran House	
History Museum	\$41,000
Coupeville Maritime Heritage Foundation - Preserv of vessel Suva	\$71,000
Fort Worden Public Development Authority - Sage Arts & Ed Ctr	\$560,000
South Pierce County Historical Society - Eatonville Tofu House	\$15,000
City of Everett - Van Valley Home lead Abatement & Pres	\$67,000
Appropriation:	
State Building Construction Account—State	\$9,980,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,980,000

NEW SECTION. Sec. 5097. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation: 2019-21 (40000086)	
Appropriation:	
State Building Construction Account—State	\$1,545,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,543,000
TOTAL	\$11,088,000

NEW SECTION. Sec. 5098. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works Program: 2019-21 (40000097)	
Appropriation:	
State Building Construction Account—State	\$955,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$955,000

NEW SECTION. Sec. 5099. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation (40000001)	
Reappropriation:	
State Building Construction Account—State	\$332,000
Prior Biennia (Expenditures)	\$438,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$770,000

NEW SECTION. Sec. 5100. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell and Carriage House Repairs and Restoration (40000017)	
Appropriation:	
State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 5101. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation: 2019-21 (40000026)	
Appropriation:	
State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 5102. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Health Careers Center (20082701)	
Reappropriation:	
State Building Construction Account—State	\$14,000

Prior Biennia (Expenditures)	\$34,447,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,461,000

NEW SECTION. Sec. 5103. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Palmer Martin Building (30000121)	
Reappropriation:	
State Building Construction Account—State	\$953,000
Prior Biennia (Expenditures)	\$19,287,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,240,000

NEW SECTION. Sec. 5104. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: College Instruction Center (30000122)	
Reappropriation:	
State Building Construction Account—State	\$1,737,000
Prior Biennia (Expenditures)	\$48,403,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,140,000

NEW SECTION. Sec. 5105. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia Community College: Student Services (30000123)	
Reappropriation:	
State Building Construction Account—State	\$276,000
Prior Biennia (Expenditures)	\$34,330,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,606,000

NEW SECTION. Sec. 5106. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Allied Health and Early Childhood Dev Center (30000126)	
Reappropriation:	
State Building Construction Account—State	\$433,000
Prior Biennia (Expenditures)	\$25,167,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,600,000

NEW SECTION. Sec. 5107. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Student Services and Instructional Building (30000127)	
Reappropriation:	
State Building Construction Account—State	\$3,480,000
Prior Biennia (Expenditures)	\$671,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,151,000

NEW SECTION. Sec. 5108. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Cascade Court (30000128)	
Reappropriation:	
State Building Construction Account—State	\$441,000
Prior Biennia (Expenditures)	\$29,877,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,318,000

NEW SECTION. Sec. 5109. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Technology Building Renewal (30000129)	
Reappropriation:	
State Building Construction Account—State	\$569,000
Prior Biennia (Expenditures)	\$24,847,000
Future Biennia (Projected Costs)	\$0

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TOTAL \$25,416,000

NEW SECTION. Sec. 5110. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: North County Satellite (30000135)
 Reappropriation:
 State Building Construction Account—State \$5,494,000
 Prior Biennia (Expenditures) \$194,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,688,000

NEW SECTION. Sec. 5111. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Learning Resource Center (30000136)
 Reappropriation:
 State Building Construction Account—State \$3,835,000
 Prior Biennia (Expenditures) \$180,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,015,000

NEW SECTION. Sec. 5112. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Science, Engineering, Technology Bldg (30000137)
 Reappropriation:
 State Building Construction Account—State \$34,809,000
 Prior Biennia (Expenditures) \$12,268,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$47,077,000

NEW SECTION. Sec. 5113. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College: Learning Commons (30000138)
 Reappropriation:
 State Building Construction Account—State \$27,244,000
 Prior Biennia (Expenditures) \$9,530,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$36,774,000

NEW SECTION. Sec. 5114. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Big Bend: Professional-Technical Education Center (30000981)
 Reappropriation:
 State Building Construction Account—State \$24,056,000
 Prior Biennia (Expenditures) \$13,330,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$37,386,000

NEW SECTION. Sec. 5115. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane: Main Building South Wing Renovation (30000982)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5025, chapter 298, Laws of 2018.
 Reappropriation:
 State Building Construction Account—State \$14,119,000
 Prior Biennia (Expenditures) \$14,387,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$28,506,000

NEW SECTION. Sec. 5116. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline: Health and Life Sciences (30000983)
 Reappropriation:
 State Building Construction Account—State \$17,490,000

Prior Biennia (Expenditures) \$9,663,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$27,153,000

NEW SECTION. Sec. 5117. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley: Wells Hall Replacement (30000985)
 Reappropriation:
 State Building Construction Account—State \$2,208,000
 Appropriation:
 State Building Construction Account—State \$29,531,000
 Prior Biennia (Expenditures) \$632,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$32,371,000

NEW SECTION. Sec. 5118. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic: Shop Building Renovation (30000986)
 Reappropriation:
 State Building Construction Account—State \$948,000
 Appropriation:
 State Building Construction Account—State \$7,652,000
 Prior Biennia (Expenditures) \$5,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,605,000

NEW SECTION. Sec. 5119. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)
 Reappropriation:
 State Building Construction Account—State \$3,278,000
 Appropriation:
 State Building Construction Account—State \$31,592,000
 Prior Biennia (Expenditures) \$230,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$35,100,000

NEW SECTION. Sec. 5120. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Automotive Technology Renovation and Expansion (30000988)
 Reappropriation:
 State Building Construction Account—State \$1,782,000
 Appropriation:
 State Building Construction Account—State \$23,376,000
 Prior Biennia (Expenditures) \$719,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$25,877,000

NEW SECTION. Sec. 5121. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Medical Mile Health Science Center (30000989)
 Reappropriation:
 State Building Construction Account—State \$2,933,000
 Appropriation:
 State Building Construction Account—State \$40,828,000
 Prior Biennia (Expenditures) \$305,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$44,066,000

NEW SECTION. Sec. 5122. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)
 Reappropriation:
 State Building Construction Account—State \$2,902,000
 Appropriation:

State Building Construction Account—State	\$36,642,000
Prior Biennia (Expenditures)	\$690,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,234,000

NEW SECTION. Sec. 5123. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Library Building Renovation (30001451)
 Reappropriation:

State Building Construction Account—State	\$3,419,000
Prior Biennia (Expenditures)	\$29,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,448,000

NEW SECTION. Sec. 5124. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Science and Technology Building Replacement (30001452)
 Reappropriation:

State Building Construction Account—State	\$1,093,000
Prior Biennia (Expenditures)	\$63,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,156,000

NEW SECTION. Sec. 5125. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Center for Science and Technology (30001453)
 Reappropriation:

State Building Construction Account—State	\$165,000
Prior Biennia (Expenditures)	\$131,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$296,000

NEW SECTION. Sec. 5126. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Fine and Applied Arts Replacement (30001458)
 Reappropriation:

State Building Construction Account—State	\$2,616,000
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Appropriation:

State Building Construction Account—State	\$35,663,000
Prior Biennia (Expenditures)	\$211,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$38,490,000

NEW SECTION. Sec. 5127. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (40000043)
 Appropriation:

Community and Technical College Capital Projects Account—State	\$22,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$91,200,000
TOTAL	\$114,000,000

NEW SECTION. Sec. 5128. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington: Center for Design (40000102)
 Appropriation:

State Building Construction Account—State	\$3,160,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$31,308,000
TOTAL	\$34,468,000

NEW SECTION. Sec. 5129. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic Innovation and Technology Learning Center (40000103)

Appropriation:

State Building Construction Account—State	\$2,552,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,703,000
TOTAL	\$24,255,000

NEW SECTION. Sec. 5130. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (40000112)
 Appropriation:

State Building Construction Account—State	\$39,841,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,841,000

NEW SECTION. Sec. 5131. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Fire Service Training Center (40000130)
 Appropriation:

State Building Construction Account—State	\$2,802,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	\$32,802,000

NEW SECTION. Sec. 5132. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue: Center for Transdisciplinary Learning and Innovation (40000168)
 Appropriation:

State Building Construction Account—State	\$2,839,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$38,476,000
TOTAL	\$41,315,000

NEW SECTION. Sec. 5133. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (40000169)
 Appropriation:

Community and Technical College Capital Projects Account—State	\$6,209,000
State Building Construction Account—State	\$32,318,000
Subtotal Appropriation	\$38,527,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$38,527,000

NEW SECTION. Sec. 5134. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (40000171)
 Appropriation:

Community and Technical College Capital Projects Account—State	\$15,252,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,252,000

NEW SECTION. Sec. 5135. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (40000173)
 Appropriation:

State Building Construction Account—State	\$3,310,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,310,000

NEW SECTION. Sec. 5136. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Preservation (40000258)
 Appropriation:

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Community and Technical College Capital	
Projects Account—State	\$23,739,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,739,000

NEW SECTION. Sec. 5137. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Puyallup: STEM building (40000293)

Appropriation:

State Building Construction Account—State	\$3,369,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$37,230,000
TOTAL	\$40,599,000

NEW SECTION. Sec. 5138. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett: Baker Hall Replacement (40000190)

Appropriation:

State Building Construction Account—State	\$2,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,014,000
TOTAL	\$30,864,000

NEW SECTION. Sec. 5139. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

2019-21 Career Preparation and Launch Equipment Grants (40000306)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the state board for community and technical colleges to provide competitive grants to community and technical colleges to purchase and install equipment that expands career connected learning opportunities.

(2) The state board for community and technical colleges shall develop common criteria for providing competitive grant funding and outcomes for specific projects.

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

PART 6

2019 SUPPLEMENTAL CAPITAL BUDGET

Sec. 6001. 2018 c 2 s 1010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Construction Loans (30000878)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of public works projects:

180th St SE SR 527 Brook Blvd (Snohomish)	\$3,000,000
35th Ave SE Phase II SR 524 to 180th St SE (Snohomish)	\$3,000,000
61st/190th Culvert Replacement & Embankment Repair (Kenmore)	\$1,500,000
Automated Meter Reading System (Birch Bay)	\$1,500,000
Cedar Hills Regional Landfill North Flare Statn Repair (King)	\$1,583,000
Cedar Hills Regional Landfill Pump Station Repairs (King)	\$3,000,000
City Street Light Conversion to Light Emitting Diode (Vancouver)	\$4,816,000

Fairview Ave N Bridge Replacement (Seattle)	\$10,000,000
Georgetown Wet Weather Treatment Station (King)	\$3,500,000
((Isaacs Avenue Improvements Phase 2 (Walla Walla)	\$3,962,000))

Kennewick Automated Meter Reading Project (Kennewick)	\$6,000,000
((Landslide Repairs (Aberdeen)	\$373,000))
McKinnon Creek Wellfield Infrastructure Improvements (Lake Forest)	\$200,000
Miller Street Re-Alignment and Storm Repairs (Wenatchee)	\$4,826,000
((NE 10th Avenue (Clark)	\$10,000,000))
Ostrich Creek Culvert Improvements (Bremerton)	\$4,688,000
Pine Basin Watershed Storm Sewer Improvements (Bremerton)	\$3,881,000
((Slater Road/Jordan Creek Fish Passage Project (Whatecom)	\$5,000,000))
South Fork McCorkle Creek Stormwater Detention Facility (Lexington)	\$4,700,000
Sudbury Landfill Area 7 Cell 3 Construction (Walla Walla)	\$2,978,000
Sunset Reservoir Rehabilitation (Spokane)	\$1,412,000
Thurston Co. PUD No. 1 Replacement and Upgrades (Thurston)	(((\$1,028,000)) \$480,000
Tipping Floor Restoration & Safety Upgrades (Lincoln)	\$156,000
US 395/Ridgeline Interchange (Kennewick)	\$6,000,000
Wastewater Reuse Project (Quincy)	\$10,000,000
Appropriation:	
State Taxable Building Construction Account—State	(((\$97,103,000)) \$77,220,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$97,103,000
	<u>\$77,220,000</u>

Sec. 6002. 2018 c 2 s 1019 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

PWAA Preconstruction and Emergency Loan Programs (40000009)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$5,000,000 is ~~((provided solely))~~ for the public works board's emergency loan program.

(2) Up to \$14,000,000 is ~~((provided solely))~~ for the public works board's preconstruction loan program.

Appropriation:

State Taxable Building Construction Account—State	\$19,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,000,000

Sec. 6003. 2018 c 298 s 1004 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount

sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen)	\$1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello)	\$1,250,000
Adna Elementary Playshed (Chehalis)	\$104,000
Airway Heights Recreation Complex (Airway Heights)	\$515,000
Alder Creek Pioneer Museum Expansion (Bickelton)	\$500,000
Anderson Island Historical Society (Anderson Island)	\$26,000
Appleway Trail Amenities (Spokane Valley)	\$556,000
ARC Community Center Renovation (Bremerton)	\$81,000
Arlington Pocket Park Downtown Business District (Arlington)	\$46,000
Asia Pacific Cultural Center Design and Preconstruction (Tacoma)	\$250,000
Belfair Sewer Extension to Puget Sound Industrial Ctr (Belfair)	\$515,000
Billy Frank Jr. Heritage Center (Olympia)	\$206,000
Bloodworks NW Bloodmobiles	\$425,000
Bothell Parks Projects (Bothell)	\$309,000
Bridgeview Education and Employment Resource Center (Vancouver)	\$500,000
Brier ADA Ramp Updates Phase (Brier)	\$115,000
Camp Schechter New Infrastructure and Dining Hall (Tumwater)	\$200,000
Capitol Campus E. WA Butte (Olympia)	\$52,000
Captain Joseph House (Port Angeles)	\$225,000
Carnation Central Business District Revitalization (Carnation)	\$1,545,000
Castle Rock Fair LED Lighting (Castle Rock)	\$10,000
<u>Centennial Connect Project (Marysville)</u>	<u>\$642,000</u>
Centennial Trail - Southern Extension #1 (Snohomish)	\$1,000,000
Centerville Grange Renovation (Centerville)	\$134,000
Centralia Fox Theatre Restoration (Centralia)	\$299,000

Chamber Economic Development Project (Federal Way)	\$250,000
Chelan County Emergency Operations Center (Wenatchee)	\$1,000,000
Chelatchie Prairie Railroad Maintenance Bldg. Phase 2 (Yacolt)	\$250,000
Cherry St. Fellowship (Seattle)	\$360,000
Children's Playgarden (Seattle)	\$315,000
Chimacum Ridge Forest Pilot (Port Townsend)	\$3,400,000
City of Brewster Manganese Abatement (Brewster)	\$752,000
Cityview Conversion to Residential Treatment (Moses Lake)	\$250,000
Clark County Historical Museum (Vancouver)	\$300,000
Clymer Museum and Gallery Remodel (Ellensburg)	\$258,000
Coastal Harvest Roof Replacement (Hoquiam)	\$206,000
Cocoon House (Everett)	\$1,000,000
College Place Well Consolidation and Replacement (College Place)	\$900,000
Columbia River Trail (Washougal)	\$1,000,000
Confluence Park Improvements (P2&3) (Issaquah)	\$206,000
Country Doctor Community Health Centers (Seattle)	\$280,000
Covington Town Center Civic Plaza Development (Covington)	\$820,000
Cross Park (Puyallup)	\$1,500,000
Daffodil Heritage Float Barn (Puyallup)	\$103,000
Darrington Rodeo Grounds (Darrington)	\$250,000
Des Moines Marina Bulkhead & Fishing Pier Renovation (Des Moines)	\$2,000,000
Disaster Response Communications Project (Colville)	\$1,000,000
District 5 Public Safety Center (Sultan)	\$1,500,000
Downtown Pocket Park at Rockwell (Port Orchard)	\$309,000
DuPont Historical Museum Renovation HVAC (DuPont)	\$53,000
East Grays Harbor Fiber Project (Elma)	\$463,000
East Hill YMCA/Park Renovation (Kent)	\$1,000,000
Eastside Community Center (Tacoma)	\$2,550,000
Ebey Waterfront Trail and Shoreline Access (Marysville)	\$1,000,000
Emmanuel Life Center Kitchen (Spokane)	\$155,000
Ethiopian Community Affordable Senior Housing (Seattle)	\$400,000
Evergreen Pool Resurfacing (White Center)	\$247,000
Fall City Wastewater Infrastructure Planning & Design (Fall City)	\$1,000,000
Family Medicine Remodel (Goldendale)	\$195,000
Federal Way Camera Replacement (Federal Way)	\$250,000
Federal Way Senior Center (Federal Way)	\$175,000
Flood Protection Wall & Storage Building (Sultan)	\$286,000
Food Lifeline Food Bank	\$1,250,000
Forestry Museum Building (Tenino)	\$16,000
Fox Island Catastrophic Emergency Preparation (Fox Island)	\$17,000
Francis Anderson Center Roofing Project (Edmonds)	\$391,000
Freeland Water and Sewer District Sewer Project (Freeland)	\$1,500,000
FUSION Transitional Hse Pgm/FUSION Decor Boutique (Federal Way)	\$500,000
Gig Harbor Sports Complex (Gig Harbor)	\$206,000
Granger Historical Society Museum Acquisition (Granger)	\$255,000
Greater Maple Valley Veterans Memorial Foundation (Maple Valley)	\$258,000
GreenBridge/4th Ave Streetscaping (White Center)	\$1,195,000

Harmony Sports Complex Infrastructure & Safety Imprve (Vancouver)	\$1,177,000	(Granite Falls)	\$375,000
Harrington School District #204, Pool Renovation (Harrington)	\$97,000	NeighborCare Health (Vashon)	\$3,000,000
Historic Mukai Farm and Garden Restoration (Vashon)	\$250,000	New Fire Station at Lake Lawrence (Yelm)	\$252,000
Holly Ridge Center Building (Bremerton)	\$475,000	North Cove Erosion Control (South Bend)	\$650,000
Honor Point Military and Aerospace Museum (Spokane)	\$100,000	Northshore Athletic Fields (Woodinville)	\$400,000
HopeWorks TOD Center (Everett)	\$2,760,000	Northwest Improvement Company Building (Roslyn)	\$1,000,000
Hoquiam Library (Hoquiam)	\$250,000	Olmstead-Smith Historical Gardens Replacement Well (Ellensburg)	\$17,000
HUB Sports Center (Liberty Lake)	\$516,000	Orting's Pedestrian Evacuation Crossing SR162 (Orting)	\$500,000
Industrial Park No. 5 Road Improvements (George)	\$412,000	Othello Regional Water Project (Othello)	\$1,000,000
Industrial Park No. 5 Water System Improvements (George)	\$700,000	Paradise Point Water Supply System Phase IV (Ridgefield)	\$500,000
Inland Northwest Rail Museum (Reardan)	\$170,000	Pepin Creek Realignment (Lynden)	\$3,035,000
Innovative Health Care Learning Center (Yakima)	\$1,000,000	Performing Arts & Events Center (Federal Way)	\$1,000,000
Interbay PDAC (Seattle)	\$900,000	Pioneer Village ADA Accessible Pathways (Ferndale)	\$154,000
Intrepid Spirit Center (Tacoma)	\$1,000,000	Port Ilwaco/Port Chinook Marina Mtce Drdg & Matl Disps (Chinook)	\$77,000
Islandwood Comm Dining Hall and Kitchen (Bainbridge Island)	\$200,000	Port Orchard Marina Breakwater Refurbishment (Port Orchard)	\$1,019,000
Kenmore Public Boathouse (Kenmore)	\$250,000	Poulsbo Outdoor Salmon Observation Area (Poulsbo)	\$475,000
Key Peninsula Civic Center Generator (Vaughn)	\$60,000	Puyallup Meeker Mansion Public Plaza (Puyallup)	\$500,000
Key Peninsula Elder Community (Lakebay)	\$515,000	Quincy Square on 4th (Bremerton)	\$250,000
Kitchen Upgrade Belfair Senior Center Meals on Wheels (Belfair)	\$12,000	R.A. Long Park (Longview)	\$296,000
Kitsap Reg. Library Foundation, Silverdale Library (Silverdale)	\$250,000	Redondo Beach Rocky Reef (Des Moines)	\$500,000
Kona Kai Coffee Training Center (Tukwila)	\$407,000	Ridgefield Outdoor Recreation Complex (Ridgefield)	\$750,000
La Conner New Regional Library (La Conner)	\$500,000	Rochester Boys & Girls Club upgrades (Rochester)	\$26,000
Lacey Boys and Girls Club (Lacey)	\$30,000	Save the Old Tower (Pasco)	\$300,000
Lake Chelan Community Hospital & Clinic Replacement (Chelan)	\$300,000	Schilling Road Fire Station (Lyle)	\$448,000
Lake City Comm Center, Renovate Magnuson Comm Center (Seattle)	\$2,000,000	Scott Hill Park (Woodland)	\$750,000
Lake Stevens Civic Center (Lake Stevens)	\$3,100,000	Seattle Aquarium (Seattle)	\$400,000
Lake Stevens Food Bank (Lake Stevens)	\$300,000	Seattle Indian Health Board (Seattle)	\$200,000
Lake Sylvia State Park Legacy Pavilion (Montesano)	\$696,000	Seattle Opera (Seattle)	\$465,000
Lake Tye All-Weather Fields (Monroe)	\$800,000	Shelton Basin 3 Sewer Rehabilitation Project (Shelton)	\$1,500,000
Lakewood Playhouse Lighting System Upgrade (Lakewood)	\$60,000	Skagit Co Public Safety Emgcy Commun Ctr Exp/Remodel (Mt. Vernon)	\$525,000
Lambert House Purchase (Seattle)	\$500,000	Skagit County Veterans Community Park (Sedro-Woolley)	\$500,000
Larson Playfield Lighting Renovation (Moses Lake)	\$146,000	Skagit Valley YMCA (Mt. Vernon)	\$400,000
Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr (Onalaska)	\$80,000	Snohomish JROTC Program (Snohomish)	\$189,000
LIGO STEM Exploration Center (Richland)	\$411,000	South Gorge Trail (Spokane)	\$250,000
Longbranch Marina (Longbranch)	\$248,000	South Snohomish County Community Resource Center (Lynnwood)	\$2,210,000
Longview Police Department Range and Training (Castle Rock)	\$271,000	South Thurston County Meals on Wheels Kitchen Upgrade (Yelm)	\$30,000
Lyon Creek, SR 104 Fish Barrier Removal (Lake Forest Park)	\$1,200,000	Southwest WA Agricultural Business Park (Tenino)	\$618,000
Maury Island Open Space Remediation (Maury Island)	\$2,000,000	Southwest Washington Fair Grange Building Re-Roof (Chehalis)	\$54,000
McChord Airfield North Clear Zone (Lakewood)	\$2,000,000	Spanaway Lake Management Plan (Spanaway)	\$26,000
Mill Creek Flood Control Project (Kent)	\$2,000,000	Squalicum Waterway Maintenance Dredging (Bellingham)	\$750,000
Millionair Club Charity Kitchen (Seattle)	\$167,000	Steilacoom Historical Museum Storage Building (Steilacoom)	\$31,000
Moorlands Park Improvements (Kenmore)	\$250,000	Sunnyside Community Hospital (Sunnyside)	\$2,000,000
Morrow Manor (Poulsbo)	\$773,000	Sunset Career Center (Renton)	\$412,000
Mount Baker Properties Cleanup Site (Seattle)	\$1,100,000	Sunset Neighborhood Park (Renton)	\$3,050,000
Mount Rainier Early Warning System (Pierce County)	\$1,751,000	Tacoma's Historic Theater District (Tacoma)	\$1,000,000
Mukilteo Tank Farm Remediation (Mukilteo)	\$257,000	Tam O'Shanter Athletic Arena (Kelso)	\$1,000,000
Multicultural Community Center (Seattle)	\$1,300,000	Toledo Beautification (Toledo)	\$52,000
NE Snohomish County Community Services Campus		Trout Lake School/Community Soccer & Track Facility	

(Trout Lake)	\$77,000
Tumwater Boys and Girls Club (Olympia)	\$36,000
Turning Pointe Domestic Violence Svc: Shelter Imprv/Rep (Shelton)	\$27,000
Twisp Civic Building (Twisp)	\$750,000
University YMCA (Seattle)	\$600,000
Veterans Memorial Museum (Chehalis)	\$354,000
Washington Agricultural Education Center (Lynden)	\$1,800,000
Washington Care Services (Seattle)	\$400,000
Washington State Horse Park Covered Arena (Cle Elum)	\$2,000,000
Waste Treatment and Sewer Collection System (Toppenish)	\$1,405,000
Wastewater Collection & Water Distribution Replacemnt (Carbonado)	\$1,500,000
Water Treatment for Kidney Dialysis	\$499,000
Wayne Golf Course Region Park (Bothell)	\$1,000,000
Wesley Homes Bradley Park (Puyallup)	\$1,380,000
Westport Marina (Westport)	\$2,500,000
Weyerhaeuser Land Preservation (Federal Way)	\$750,000
Whidbey Island Youth Project (Oak Harbor and Coupeville)	\$300,000
White Pass Country Historical Museum (Packwood)	\$283,000
Whitehouse Additional Capital Campaign (Pasco)	\$1,500,000
Willows Road Regional Trail Connection (Kirkland)	\$1,442,000
Winlock HS Track (Winlock)	\$103,000
Winlock Industrial Infrastructure Development (Winlock)	\$1,500,000
Wishram School CTE Facility (Wishram)	\$150,000
Yakima Valley SunDome Repairs (Yakima)	\$206,000
Yelm City Park Playground Modernization (Yelm)	\$247,000
Youth Eastside Services (Bellevue)	\$26,000
YWCA Family Justice Center (Spokane)	\$103,000

(8) \$26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan.

(9) \$750,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursuing open space conservation strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.

(10)(a) \$900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.

(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.

(c) The Interbay advisory committee consists of seven persons appointed as follows:

(i) One person appointed by the speaker of the house of representatives;

(ii) One person appointed by the president of the senate; and
 (iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.

(d) The Interbay public development advisory committee must:
 (i) Work in collaboration with the military department to determine the needs of the military department if it is relocated from the land described in subsection (1) of this section, including identifying:

- (A) Current uses;
- (B) Future needs of the units currently at this location;
- (C) Potential suitable publicly owned sites in Washington for relocation of current units; and
- (D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;

(ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:

- (A) Suitable and unsuitable future uses for the land;
- (B) Environmental issues and associated costs;
- (C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;
- (D) Transportation corridors in the immediate area and any potential right-of-way needs; and
- (E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;

(iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:

- (A) Any potential private partners or investors;
- (B) Necessary real estate transactions;
- (C) Federal funding opportunities; and
- (D) State and local funding sources, including any tax-related programs; and

(iv) Conduct at least three public meetings at a location within the Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as industrial land use, commercial development, residential zoning, and public infrastructure needs(;~~;~~ and

~~(v) Provide a report to the legislature and office of the governor with recommendations for each area described in this subsection (10)(d) by June 29, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee created in this section).~~

~~(e) ((The Interbay advisory committee created in this section terminates June 30, 2019.~~

~~(f))~~ Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.

\$206,000

~~((g))~~ (f) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.

~~((h))~~ (g) Legislative members of the Interbay advisory committee are reimbursed for travel in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) \$2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent on the purchase of the property in its entirety within ten years.

(12) \$250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) \$400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) \$1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) \$250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. It is the intent of the legislature that beyond the 2017-2019 fiscal biennium no state funding is provided to the Asia Pacific cultural center in Tacoma.

Appropriation:

State Building Construction Account—State	(\$129,799,000)
	<u>\$130,441,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$129,799,000</u>
	<u>\$130,441,000</u>

Sec. 6004. 2018 c 298 s 2004 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen - Housing Unit: Acute Mental Health Unit (30002736)

Appropriation:

State Building Construction Account—State	(\$9,806,000)
	<u>\$206,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$9,806,000</u>

Sec. 6005. 2018 c 298 s 2005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide - RA Community Facilities: Safety & Security Improvements (30002737)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$200,000
State Building Construction Account—State	(\$1,800,000)
	<u>\$1,500,000</u>
Subtotal Appropriation	(\$2,000,000)
	<u>\$1,700,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$1,700,000</u>

Sec. 6006. 2018 c 298 s 2008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Recreation Building: Replacement (30003237)

Appropriation:

State Building Construction Account—State	(\$1,200,000)
	<u>\$600,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$11,000,000)
	<u>\$0</u>
TOTAL	<u>\$12,200,000</u>
	<u>\$600,000</u>

Sec. 6007. 2018 c 2 s 2019 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Campus: Security & Surveillance Upgrades (30003580)

Appropriation:

State Building Construction Account—State	(\$2,000,000)
	<u>\$1,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$1,500,000</u>

Sec. 6008. 2018 c 298 s 2018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Pine Lodge Behavioral Rehabilitation Services (91000061)

Appropriation:

State Building Construction Account—State	(\$1,400,000)
	<u>\$120,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,400,000</u>
	<u>\$120,000</u>

Sec. 6009. 2017 3rd sp.s. c 4 s 1052 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

West Campus Historic Buildings Exterior Preservation (30000727)

Reappropriation:	
State Building Construction Account—State	((\$500,000))
	<u>\$380,000</u>
Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$1,880,000</u>

Sec. 6010. 2018 c 2 s 5014 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

Independent Living Skills Center (30000107)

Appropriation:	
State Building Construction Account—State	((\$50,000))
	<u>\$170,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$50,000</u>
	<u>\$170,000</u>

Sec. 6011. 2018 c 2 s 4002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Aviation Revitalization Loans (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section ((~~7028~~) 7027) of this act for direct loans to political subdivisions of the state and privately owned airports for the purpose of improvements at public use airports that primarily support general aviation activities.

(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the capital budget chair and ranking minority member of the capital budget committee of the house of representatives and the senate ways and means committee, and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of pilots. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.

(3) The board may provide loans to privately owned airports for the purpose of airport improvements only if the state is receiving commensurate public benefit, such as guaranteed long-term public access to the airport as a condition of the loan. For purposes of this subsection, "public use airports that primarily support general aviation activities" means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the

following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

Appropriation:	
((State Taxable Building Construction)) <u>Public Works</u>	
Assistance Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

Sec. 6012. 2018 c 2 s 3024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control State Match (40000013)

The appropriation in this section is subject to the following conditions and limitations: ((~~\$10,000,000~~) \$10,194,000) of the appropriation is provided solely as state match for federal clean water funds. ((~~\$10,000,000~~) \$10,194,000) of the appropriation must be transferred into the water pollution control revolving account.

Appropriation:	
State Taxable Building Construction Account—State	((\$10,000,000))
	<u>\$10,194,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	<u>\$50,000,000</u>
	<u>\$50,194,000</u>

Sec. 6013. 2017 3rd sp.s. c 4 s 3056 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Habitat Mitigation (91000007)

Reappropriation:	
State Building Construction Account—State	((\$1,600,000))
	<u>\$507,000</u>
Prior Biennia (Expenditures)	\$2,342,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$3,942,000</u>
	<u>\$2,849,000</u>

Sec. 6014. 2018 c 2 s 3093 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

CREP PIP Loan Program 2017-19 (92000014)

Appropriation:	
Conservation Assistance Revolving Account—State	((\$50,000))
	<u>\$400,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000

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TOTAL	\$250,000
	<u>\$600,000</u>

Sec. 6015. 2018 c 2 s 1014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency and Solar Grants (30000882)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$3,675,000 for fiscal year 2018 and \$3,675,000 for fiscal year 2019 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(b) At least twenty percent of each competitive grant round must be awarded to small cities or towns with a population of five thousand or fewer residents.

(c) In each competitive round, the higher the leverage ratio of nonstate funding sources to state grant and the higher the energy savings, the higher the project ranking.

(d) For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through: (i) Reduced exposure to polychlorinated biphenyl; or (ii) replacing outdated heating systems that use oil or propane as fuel sources as identified by the Washington State University extension energy program. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(2) \$1,750,000 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(3) \$1,400,000 is provided solely for energy efficiency improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the ~~((cost))~~ department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request ((will be added to the project appropriation after construction bids are received)). Prior to awarding funds, the department of commerce shall ~~((coordinate with))~~ submit to the office of financial management ((to develop a process for project submittal, review, approval criteria, tracking project budget adjustments, and performance measures)) a list of all proposed awards for review and approval.

(4) \$500,000 is provided solely for resource conservation managers in the department of enterprise services to coordinate with state agencies and school districts to assess and adjust existing building systems and operations to optimize the efficiency in use of energy and other resources in state-owned facilities. The department of commerce will oversee an interagency agreement with the department of enterprise services to fund the resource conservation managers.

(5) The department shall develop metrics that indicate the performance of energy efficiency efforts and provide a report of the metrics, including at a minimum the current energy used by the building, the energy use after efficiencies are completed, and

cost of energy saved. ~~((The report must include these metrics from other states.))~~

Appropriation:

State Building Construction Account—State	\$5,500,000
Energy Efficiency Account—State	\$5,500,000
Subtotal Appropriation	\$11,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$60,000,000
TOTAL	\$71,000,000

Sec. 6016 2018 c 298 s 5040 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Center for Science and Technology (30001453)

Appropriation:

State Building Construction Account—State	((3,421,000))
	<u>\$296,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	((37,726,000))
	<u>\$0</u>
TOTAL	\$41,147,000
	<u>\$296,000</u>

Sec. 6017. 2018 c 298 s 1007 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity (40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to community hospitals or other community entities to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health organizations, as defined in RCW 71.24.025, or entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area

served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3), the department, in consultation with the department of social and health services, the health care authority, and behavioral health organizations, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(3) \$49,600,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) \$4,600,000 is provided solely for at least two enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$4,000,000 is provided solely for at least two facilities with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 is provided solely for at least one facility with acute detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$12,700,000 is provided solely for crisis diversion or stabilization facilities that are not subject to federal funding restrictions that apply to institutions of mental diseases. At least two of the facilities must be located in King county and one must be located in Pierce county. The facility in Pierce county shall receive no less than \$3,200,000;

(e) \$12,700,000 is provided solely for the department to provide grants to community hospitals or freestanding evaluation and treatment providers to develop capacity for beds to serve individuals on ninety or one hundred eighty day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health, and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The department of social and health services has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(f) \$6,600,000 is provided solely for the department to provide grants to community providers to develop psychiatric residential treatment beds to serve individuals being diverted or transitioned from the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, the department of health, and the local behavioral health organization jurisdiction for which a proposal has been submitted and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the behavioral health organization in the region or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The behavioral health organization or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380 has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(g) \$5,000,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth, including but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors. In awarding funds for projects in this subsection, the department, in consultation with the department of social and health services and the health care authority must review projects based on the following criteria:

(i) The funding must be used to increase capacity related to serving children and minor youth with behavioral health needs;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases; and

(iii) The provider has demonstrated to the department of health, department of social and health services, and health care authority that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(h) \$2,000,000 is provided solely for competitive community behavioral health grants.

(4) \$35,276,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

North Sound Behavioral Health Organization Denny Youth Center	\$5,000,000
North Sound Behavioral Health Organization Substance Use Disorder Intensive Treatment	\$5,000,000
North Sound Stabilization Campus (Sedro-Woolley)	\$1,550,000
Bellingham Mental Health Triage	\$5,000,000
Bellingham Acute Detox	\$2,000,000
SWWA Diversion Crisis and Involuntary Treatment	\$3,000,000
Daybreak Center for Adolescent Recovery	\$3,000,000
Nexus Youth and Families	\$500,000
Valley City Recovery Place	\$2,000,000
Geriatric Diversion	\$500,000
Skagit Triage Expansion (Mount Vernon)	\$326,000
Spokane Jail Diversion	\$2,400,000
Tri-county Detox and Crisis Center	\$4,000,000
Toppenish Hospital	((\$1,000,000)) <u>\$500,000</u>

(5) \$3,000,000 is provided solely for the Evergreen treatment services building purchase, contingent on matching funds.

(6)(a) \$3,000,000 is provided solely for a grant to a joint venture between MultiCare-Franciscan to provide community based behavioral health services. Funding provided in this subsection is subject to the criteria in subsection (1) of this section. The department of commerce may not release funding for this project unless MultiCare-Franciscan enters into a memorandum of understanding with the department of social and

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health services by October 31, 2018, to collaborate on development and implementation of strategies to expand the behavioral health workforce in the region. At a minimum, the agreement must include strategies for increasing recruitment of health professionals required to staff psychiatric inpatient facilities, including psychiatrists, psychologists, nurses and other health care professionals. The agreement must also identify opportunities for coordination between the parties to expand access to clinical skill development and training opportunities in the region and strategies for collaborative service delivery between the parties when possible. To objectively evaluate the efficacy of the strategies implemented to achieve the desired outcomes of the agreement, performance measures and targets must be established to include:

(b) MultiCare-Franciscan and the department of social and health services must work collaboratively to decrease vacancy rates for hard-to-recruit health care professionals employed by each facility. The parties must develop strategies to attract more qualified health care professionals to the area and ensure comparable exposure to the benefits of working for each organization. The parties must measure the success of these strategies by the decrease in vacancy rate for health care professionals necessary to provide safe, quality inpatient psychiatric care in MultiCare-Franciscan and department facilities following the first year as the baseline of the partnership/consortium and with updated goals for each subsequent year. MultiCare-Franciscan and the department of social and health services must work to increase the competency and skills of health care professionals across both facilities by establishing organized joint- and cross-training programs. The parties must measure the success of this strategy by the number of health care professionals in total and by discipline complete cross-training activities and by the number and hours of cross-training opportunities offered under the agreement.

(7) The department of commerce shall notify all applicants that they may be required to have a construction review performed by the department of health.

(8) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, detox, or secure detox.

Appropriation:

State Building Construction Account—State ((\$90,876,000))	<u>\$90,376,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$90,376,000</u>

**PART 7
MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec. 7001.** RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are forty-nine million, six hundred thirteen thousand dollars for the 2019-2021 biennium, three hundred six million, nine hundred ninety four thousand dollars for the 2021-2023 biennium, and four hundred twenty-eight million, eight hundred ninety thousand dollars for the 2023-2025 biennium.

NEW SECTION. **Sec. 7002.** ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. (1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Western Washington University: Enter into a financing contract for up to \$9,950,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a consolidated academic support services facility. The university must not increase administrative support rates to pay debt service for this financing contract.

(4) Department of fish and wildlife: Enter into a financing contract for up to \$3,099,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase automated salmon marking trailers.

(5) Department of natural resources: Enter into a financing contract for up to \$1,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to remodel spaces within agency-owned commercial buildings that will benefit the common school trust.

(6) Department of social and health services: Enter into a financing contract for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

(7) Office of the secretary of state: Enter into a financing contract for up to \$103,143,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the library-archives building. The financial contract is provided solely for implementation of Substitute House Bill No. 2015 (library-archives building). If the bill is not enacted by June 30, 2019, the amounts provided in this subsection shall lapse.

(8) Washington state patrol: Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a replacement for the fire training academy burn building.

(9) Community and technical colleges:

(a) Enter into a financing contract on behalf of Columbia Basin Community College for up to \$27,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student recreation center.

(b) Enter into a financing contract on behalf of Pierce College Puyallup for up to \$2,831,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct parking.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student activity center on the Clarkston campus.

(d) Enter into a financing contract on behalf of Walla Walla Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$4,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Wells Hall replacement project.

(f) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase one or more properties adjacent to the campus.

NEW SECTION. Sec. 7003. (1) To ensure that major construction projects are carried out in accordance with legislative and executive intent, agencies must complete a predesign for state construction projects with a total anticipated cost in excess of \$5,000,000, or \$10,000,000 for higher education institutions. "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project.

(2) Appropriations for design may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign.

(3) The predesign must explore at least three project alternatives. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative should be the most reasonable and cost-effective solution. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the alternatives explored, in accordance with the predesign manual adopted by the office of financial management.

(4) The office of financial management may make an exception to the predesign requirements in this section after notifying the legislative fiscal committees and waiting ten days for comment by the legislature regarding the proposed exception.

NEW SECTION. Sec. 7004. Agencies administering construction projects with a total anticipated cost in excess of \$5,000,000, or \$10,000,000 for higher education institutions, must submit progress reports to the office of financial management and to the fiscal committees of the house of representatives and senate. "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project. Reports must be submitted on July 1st and December 31st of each year in a format determined by the office of financial management. After the project is completed, agencies must also submit a closeout report that identifies the total project cost and any unspent appropriations.

NEW SECTION. Sec. 7005. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

NEW SECTION. Sec. 7006. (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 7007. (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

NEW SECTION. Sec. 7008. (1) Any building project that receives over \$10,000,000 in funding from the capital budget must be built to sustainable standards. "Sustainable building" means a building that integrates and optimizes all major high-performance building attributes, including energy efficiency,

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durability, life-cycle performance, and occupant productivity. The following design and construction attributes must be integrated into the building project:

(a) **Employ integrated design principles:** Use a collaborative, integrated planning and design process that initiates and maintains an integrated project team in all stages of a project's planning and delivery. Establish performance goals for siting, energy, water, materials, and indoor environmental quality along with other comprehensive design goals and ensures incorporation of these goals throughout the design and life-cycle of the building. Consider all stages of the building's life-cycle, including deconstruction.

(b) **Commissioning:** Employ commissioning practices tailored to the size and complexity of the building and its system components in order to verify performance of building components and systems and help ensure that design requirements are met. This should include an experienced commissioning provider, inclusion of commissioning requirements in construction documents, a commissioning plan, verification of the installation and performance of systems to be commissioned, and a commissioning report.

(c) **Optimize energy performance:** Establish a whole building performance target that takes into account the intended use, occupancy, operations, plug loads, other energy demands, and design to earn the ENERGY STAR targets for new construction and major renovation where applicable. For new construction target low energy use index. For major renovations, target reducing energy use by fifty percent below prerenovations baseline.

(d) **On-site renewable energy:** Meet at least thirty percent of the hot water demand through the installation of solar hot water heaters, when life-cycle cost effective. Implement renewable energy generation projects on agency property for agency use, when life-cycle cost effective.

(e) **Measurement and verification:** Where appropriate, install building level electricity meters in new major construction and renovation projects to track and continuously optimize performance. Include equivalent meters for natural gas and steam, where natural gas and steam are used. Where appropriate, install dashboards inside buildings to display and incentivize occupants on energy use.

(f) **Benchmarking:** Compare performance data from the first year of operation with the energy design target. Verify that the building performance meets or exceeds the design target. For other building and space types, use an equivalent benchmarking tool.

NEW SECTION. Sec. 7009. State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

NEW SECTION. Sec. 7010 Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 7011. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding \$200,000 by colleges or universities is provided solely for the purposes of RCW 28B.10.027.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency identified in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

(4) At least eighty percent of the moneys spent by the Washington state arts commission during the 2019-2021 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. Art allocations not expended within the ensuing two biennia shall lapse. The commission may use up to \$200,000 of this amount to conserve or maintain existing pieces in the state art collection.

NEW SECTION. Sec. 7012. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 7013. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 7014. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 7015. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter 3, Laws of 2018, (House Bill No. 1080, the general obligation bond bill) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

Sec. 7016. RCW 28B.20.725 and 2018 c 2 s 7019 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. However, during the 2015-2017 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2015-2017 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2017-2019 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2017-2019 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2019-2021 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 7017. RCW 28B.30.750 and 2018 c 2 s 7020 are each amended to read as follows:

The board is hereby empowered:

(1) To reserve the right to issue bonds later on a parity with any bonds being issued;

(2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;

(3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;

(4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;

(5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. However, during the 2015-2017 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2015-2017 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2017-2019 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2017-2019 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2019-2021 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

NEW SECTION. Sec. 7018. (1) Minor works project lists are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. Funds appropriated in this act for minor works may not be initially allotted until agencies submit project lists to the office of financial management for review and approval.

(2) Revisions to the project lists, including the addition of projects and the transfer of funds between projects, are allowed but must be submitted to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee for review and comment, and must include an explanation of variances from prior lists. Any project list revisions must be approved by the office of financial management before funds may be expended from the minor works appropriation.

(3)(a) All minor works projects should be completed within two years of the appropriation with the funding provided.

(b) Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects.

(c) Minor works appropriations may not be used for the following: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; movable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; rolling stock; computers; or to supplement funding for projects with funding shortfalls unless expressly authorized. The office of financial management may make an exception to the limitations described in this subsection (3)(c) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(d) Minor works preservation projects may include program improvements of no more than twenty-five percent of the individual minor works preservation project cost.

(e) Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the minor works categories.

NEW SECTION. Sec. 7019. FOR THE STATE TREASURER—TRANSFERS

(1) Public Works Assistance Account: For transfer to the water pollution control revolving account, up to \$6,000,000 for fiscal year 2020 and up to \$6,000,000 for fiscal year 2021
\$12,000,000

(2) Public Works Assistance Account: For transfer to the drinking water assistance account, up to \$5,500,000 for fiscal year 2020 and up to \$5,500,000 for fiscal year 2021
\$11,000,000

NEW SECTION. Sec. 7020. To the extent that any appropriation authorizes expenditures of state funds from the state building construction account, or from any other capital project account in the state treasury, for a capital project or program that is specified to be funded with proceeds from the sale of bonds, the legislature declares that any such expenditures for that project or program made prior to the issue date of the applicable bonds are intended to be reimbursed from proceeds of those bonds in a maximum amount equal to the amount of such appropriation.

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NEW SECTION. Sec. 7021. The department of enterprise services, in consultation with the office of financial management, is granted the authority to sell the property known as the Tacoma Rhodes complex for no less than fair market value. The price must cover appraisal costs, all debt service, all closing costs, and the cost of outstanding liabilities necessary to keep the department whole. The property consists of the Broadway building, market building, and parking garage. The terms and conditions of the sale must meet the business needs of the state tenants.

Sec. 7022. RCW 43.88D.010 and 2018 c 298 s 7013 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For the 2017-2019 fiscal biennium and the 2019-2021 fiscal biennium, pursuant to subsection (1) of this section, by November 1, ~~((2018))~~ 2020, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For the 2017-2019 fiscal biennium and the 2019-2021 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, ~~((2018))~~ 2020, the institutions of higher education shall prepare and submit or resubmit to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

Sec. 7023. RCW 28B.77.070 and 2018 c 298 s 7014 are each amended to read as follows:

(1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4)(a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

(i) Office of financial management scores pursuant to chapter 43.88D RCW;

(ii) Preserving assets;

(iii) Degree production; and

(iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided

as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

(i) Include subpriorities;

(ii) Be organized by category;

(iii) Assume any state bond or building account biennial funding level to prioritize the list; or

(iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by November 1st and to the legislature by January 1st.

(6) For the 2017-2019 fiscal biennium and the 2019-2021 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded.

NEW SECTION. Sec. 7024. (1) The department of natural resources must conduct an asset valuation of state lands and state forestlands held in trust and managed by the department. The analysis required in subsections (3) and (4) of this section may be provided through contracted services.

(2) The department must describe all trust lands, by trust, including timber lands, agricultural lands, commercial lands, and other lands, and identify revenues from leases or other sources for those lands. The department must briefly describe the income from these trust lands, and potential enhancements to income, including intergenerational income, from the asset bases of these trusts.

(3) The analysis must estimate the current fair market value of these lands for each trust beneficiary, including the separate beneficiaries of state lands as defined in RCW 79.02.010, and the beneficiaries of state forestlands as specified in chapter 79.22 RCW. The estimation of current fair market values must specify the values by the various asset classes including, but not limited to, the following asset classes: Timber lands; irrigated agriculture; dryland agriculture, including grazing lands; commercial real estate; mining; and other income production. The analysis must also estimate the value of ecosystem services and recreation benefits for asset classes that produce these benefits. The legislature encourages the department and its contractors to develop methods and tools to allow tracking of the estimated fair market values over time.

(4) For each of the different asset classes and for each of the various trusts, the analysis must calculate the average annual gross and net income as a percentage of estimated current asset value.

(5) The department must provide a progress report to the legislature by December 1, 2019, which may include any initial recommendations. The final report must be submitted by June 30, 2020, and must include options to:

(a) Improve the net rates of return on different classes of assets;

(b) Increase the reliability of, and enhance if possible, revenue for trust beneficiaries; and

(c) Present and explain factors that either (i) define, (ii) constrict, or (iii) define and constrict the department's management practices and revenue production. The factors to be considered include, but are not limited to, statutory, constitutional, operational, and social factors.

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Sec. 7025. RCW 43.155.050 and 2017 3rd sp.s. c 10 s 5 and 2017 3rd sp.s. c 1 s 974 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving account and the drinking water assistance account to provide for state match requirements under federal law. Not more than twenty percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the ~~((2015-2017))~~ 2019-2021 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account fund, and the drinking water assistance account such amounts as reflect the excess fund balance of the account. During the ~~((2015-2017 and))~~ 2017-2019 fiscal ~~((biennia))~~ biennium, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the department of health drinking water system repairs and consolidation program, and the voluntary stewardship program. ~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the state general fund such amounts as specified by the legislature.))~~ During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

Sec. 7026. 2018 c 298 s 1016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects 2016 (92000369)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of twenty acres of land by Spokane county or the city of Airway Heights for development of affordable housing and the purchase of mobile home parks by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes. There shall be no limitations on the sequence of the purchase of mobile home parks. If Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident potential zone, Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within ten years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks in the Fairchild air force base protection and community empowerment project. The twenty acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of ten years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and subsection (5) of this section.

(8) \$850,000 of the appropriation in this section is provided solely for the White River restoration project. Design solutions for flooding reductions in the lower White River must include a floodplain habitat design that both reduces flood risks and restores salmon habitat by reconnecting the river with its floodplain and a sustainable riparian corridor. Project designs and plans must also identify lands for acquisition needed for floodplain reconnection where pending or existing development eliminates the potential for riparian and aquatic habitat restoration. The city shall work cooperatively with the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians, and develop a plan collaboratively to achieve both flood reduction and habitat restoration.

(9) Up to \$300,000 of the appropriation in this section for the veterans helping veterans: Emergency transition shelter project may be spent on preconstruction or preacquisition activities, including, but not limited to, building inspections, design of necessary renovations, cost estimation, and other activities necessary to identify and select a facility appropriate for the program. The remainder of the appropriation must be used for eventual acquisition and renovations of a facility.

(10) \$2,500,000 of the appropriation in this section is provided solely for the mercy housing and health care center at Sand Point.

During the 2015-2017 fiscal biennium, the center may not house any community health care training organization that has been investigated by and has paid settlement fees to the attorney general's office for alleged medicaid fraud.

(11) The Lake Chelan land use plan must be developed without adverse impacts on agricultural operations.

(12) \$1,300,000 of the appropriation in this section is provided solely for phase one of the main street revitalization project in the city of Mountlake Terrace.

(13) \$300,000 of the appropriation in this section is provided solely for the city of Stanwood to acquire property for a new city hall/public safety facility.

(14) Up to 30 percent of the funding for the Kennewick boys and girls club may be used for land acquisition.

(15) The appropriation is provided solely for the following list of projects:

<u>Projects</u>	<u>Amounts</u>
Algona senior center	\$500,000
All-accessible destination playground	\$750,000
Appleway trail	\$1,000,000
Basin 3 sewer rehabilitation	\$1,500,000
Bellevue downtown park inspiration playground and sensory garden	\$1,000,000
Bender fields parking lot and restrooms	\$1,000,000
Blackhills community soccer complex safety projects	\$750,000
Bremerton children's dental clinic	\$396,000
Brewster reservoir replacement	\$1,250,000
Brookville gardens	\$1,200,000
Camas-Washougal Babe Ruth youth baseball improve Louis Bloch park	\$10,000
Cancer immunotherapy facility-Seattle children's research inst.	\$7,000,000
Caribou trail apartments	\$100,000
Carnegie library imprv for the rapid recidivism reduction program	\$1,000,000
Cavelero park - regional park facility/skateboard park	\$500,000
CDM caregiving services: Clark county aging resource center	\$1,200,000
Centerville school heating upgrades	\$46,000
Chambers Creek regional park pier extension and moorage	\$1,750,000
City of LaCenter parks & rec community center	\$1,500,000
City of Lynden pipeline	\$2,000,000
City of Lynden-Riverview road construction	\$850,000
City of Lynden-safe routes to school and Kaemingk trail gap elim.	\$300,000
City of Mt. Vernon downtown flood protect project & riverfront trail	\$1,500,000
City of Olympia - Percival Landing renovation	\$950,000
City of Pateros water system	\$1,838,000
City of Stanwood City hall/public safety facility property acquisition	\$300,000

<u>Projects</u>	<u>Amounts</u>
Classroom door barricade - nightlock	\$45,000
Confluence area parks upgrade and restoration	\$1,000,000
Corbin senior center elevator	\$300,000
Covington community park	\$5,000,000
Cross Kirkland corridor trail connection 52nd St.	\$1,069,000
Dawson place child advocacy center building completion project	\$161,000
Dekalb street pier	\$500,000
DNR/City of Castle Rock exchange	\$80,000
Dr. Sun Yat Sen memorial statue	\$10,000
Drug abuse and prevention center - Castle Rock	\$96,000
DuPont historical museum renovation	\$46,000
East Tacoma community center	\$1,000,000
Edmonds center for the arts: Gym climate control & roof repairs	\$250,000
Edmonds senior & community center	\$1,250,000
Emergency generator for kidney resource center	\$226,000
Enumclaw expo center	\$350,000
Fairchild air force base protection & comm empowerment project	\$2,209,000
Federal Way PAC center	\$2,000,000
Filipino community of Seattle village (innovative learning center)	\$1,200,000
Franklin Pierce early learning center	\$2,000,000
Gateway center project	\$1,000,000
Gilda club repairs	\$800,000
Granite Falls boys & girls club	\$1,000,000
Gratzer park ball fields	\$200,000
Grays Harbor navigation improvement project	\$2,500,000
Green river gorge open space buffer, Kummer connection	\$750,000
Guy Cole center revitalization	\$450,000
Historic renovation Maryhill museum	\$1,000,000
Hopelink at Ronald commons	\$750,000
Irvine slough storm water separation	\$500,000
Kahlotus highway sewer force main	\$2,625,000
Kennewick boys and girls club	\$500,000
Kent east hill YMCA	\$500,000
Key Pen civics center	\$50,000
KiBe high school parking	\$125,000
Kitsap humane society - shelter renovation	\$90,000
Lacey boys & girls club	\$29,000
Lake Chelan land use plan	\$75,000
LeMay car museum ADA access improvements	\$500,000
Lyman city park renovation	\$167,000
Lyon creek flood reduction project	\$400,000
Marine terminal rail investments	\$1,000,000

<u>Projects</u>	<u>Amounts</u>	<u>Projects</u>	<u>Amounts</u>
Martin Luther King Jr. family outreach center expansion project	\$85,000	SE 240th St. watermain system improvement project	\$700,000
Mason county Belfair wastewater system rate relief	\$1,500,000	SE Seattle financial & economic opportunity center	\$1,500,000
McAllister museum	\$660,000	((SeaTac international marketplace & transit-oriented community	\$1,250,000))
Mercer arena energy savings & sustainability funding	\$450,000	Seattle theatre group	\$131,000
Mercy housing and health center at Sand Point	\$2,500,000	Snohomish veterans memorial rebuild	\$10,000
Meridian center for health	\$2,500,000	Snoqualmie riverfront project	\$1,520,000
Minor Road water reservoir replacement	\$1,500,000	South 228th street inter-urban trail connector	\$500,000
Mountains to Sound Greenway Tiger Mountain access improvements	\$300,000	Splash pad/foundation: Centralia outdoor pool restoration project	\$200,000
Mountlake Terrace Main street revitalization project	\$1,300,000	Spokane women's club	\$300,000
Mt. Spokane guest services building & preservation/maintenance of existing facilities	\$520,000	Springbrook park neighborhood connection project	\$300,000
Boys & girls club of Snohomish county (Brewster, Sultan, Granite Falls, Arlington, and Mukilteo)	\$1,000,000	SR 532 flood berm and bike/ped path	\$85,000
Mukilteo tank farm clean-up	\$250,000	St. Vincent food bank & community services construction project	\$400,000
New Shoreline medical-dental clinic	\$1,500,000	Stan & Joan cross park	\$750,000
Nordic heritage museum	\$2,000,000	Steilacoom Sentinel Way repairs	\$450,000
North Kitsap fishline foodbank	\$625,000	Stilly Valley youth project Arlington B&G club	\$2,242,000
Northwest native canoe center project	\$250,000	Sunset neighborhood park	\$1,750,000
Oak Harbor clean water facility	\$2,500,000	Support, advocacy & resource center for victims of violence	\$750,000
Okanogan emergency communications	\$400,000	The gathering house job training café	\$14,000
Onalaska community tennis and sports courts	\$80,000	The Salvation Army Clark County: Corps community center	\$1,200,000
Opera house ADA elevator	\$357,000	Thurston county food bank	\$500,000
Orcas Island library expansion	\$1,400,000	Tulalip water pipeline, (final of 8 segments)	\$2,000,000
Pacific community center	\$250,000	Twin Bridges museum rehab Lyle Wa	\$64,000
PCAF's building for the future	\$350,000	Twisp civic building	\$500,000
Pe Ell second street	\$197,000	Vancouver, Columbia waterfront project	\$2,500,000
Perry technical school	\$1,000,000	Vantage point senior apartments	\$2,000,000
Pike Place Market front project	\$800,000	Veterans center	\$500,000
Police station security/hardening	\$38,000	Veterans helping veterans: Emergency transition shelter	\$600,000
Port of Centralia - Centralia station	\$500,000	Waitsburg Main Street bridge replacement	\$1,700,000
Port of Sunnyside demolish the carnation building	\$450,000	Washington green schools	\$105,000
PROVAIL TBI residential facility	\$450,000	Washougal roof repair	\$350,000
Quincy water reuse	\$1,500,000	Water meter and system improvement program	\$500,000
Redmond downtown park	\$3,000,000	Water reservoir and transmission main	\$500,000
Redondo boardwalk repairs	\$1,500,000	Wayne golf course land preservation	\$500,000
Renovate senior center	\$400,000	White River restoration project	\$850,000
Rochester boys & girls club	\$38,000	Willapa behavioral health safety improvement project	\$75,000
Rockford wastewater treatment	\$1,200,000	WSU LID frontage - local and economic benefits	\$500,000
Roslyn renaissance-NW improve company bldg renovation project	\$900,000	Yakima children's museum center	\$50,000
Sammamish rowing association boathouse	\$500,000	Yakima SunDome	\$2,000,000

<u>Projects</u>	<u>Amounts</u>
Yelm community center	\$500,000
Yelm senior center	\$80,000
Youth wellness campus gymnasium renovation	\$1,000,000
 Total	 \$130,169,000
Appropriation:	
State Building Construction Account—State	\$130,169,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$130,169,000

MOTION

Senator Frockt moved that the following striking amendment no. 829 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this section and ending June 30, 2021, out of the several funds specified in this act.

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

(a) "Fiscal year 2020" or "FY 2020" means the period beginning July 1, 2019, and ending June 30, 2020.

(b) "Fiscal year 2021" or "FY 2021" means the period beginning July 1, 2020, and ending June 30, 2021.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

(3) Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(4) The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2021-2023 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

(5) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2019, from the 2017-2019 biennial appropriations for each project.

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 1001. FOR THE COURT OF APPEALS

Division III Roof Replacement and Maintenance (30000003)	
Reappropriation:	
State Building Construction Account—State	\$262,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$262,000

NEW SECTION. Sec. 1002. FOR THE OFFICE OF THE SECRETARY OF STATE

Library-Archives Building (30000033)

The reappropriation in this section is subject to the following conditions and limitations:

Sec. 7027. 2018 c 298 s 7010 (uncodified) is amended to read as follows:

The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under ~~((section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018)) sections 6011 and 4005 of this act~~ must be deposited into the account. Expenditures from the account may be used only for the purposes described in ~~((section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018)) sections 6011 and 4005 of this act~~. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 7028. PROPERTY TRANSFER SEATTLE CENTRAL. If House Bill No. 1918 (community preservation auth.) is enacted by June 30, 2019, the Seattle Central College must transfer the deed of the property located at 2120 South Jackson Street, Seattle, Washington 98144, to the community preservation and development authority established in the bill. The transfer must be made by no later than June 30, 2021, once the community preservation and development authority has selected board members. The transfer must be at no cost to the community preservation and development authority.

NEW SECTION. Sec. 7029. 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. 7030. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 28B.20.725, 28B.30.750, 43.88D.010, and 28B.77.070; amending 2018 c 2 ss 1010, 1019, 2019, 5014, 4002, 3024, 3093, and 1014; 2018 c 298 ss 1004, 2004, 2005, 2008, 2018, 5040, 1007, 1016, and 7010; and 2017 3rd sp.s. c 4 ss 1052 and 3056 (uncodified); reenacting and amending RCW 43.155.050; creating new sections; making appropriations; and declaring an emergency."

Senator Frockt spoke in favor of the motion to not adopt the committee striking amendment.

The President declared the question before the Senate to be the motion to not adopt the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1102.

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

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(1) The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1003, chapter 2, Laws of 2018.

(2) The secretary of state must enter into a financial contract for up to \$103,143,000.

Reappropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,300,000

NEW SECTION. Sec. 1003. FOR THE OFFICE OF THE SECRETARY OF STATE

State Archives Minor Works Projects (30000042)

Appropriation:

State Building Construction Account—State	\$573,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$573,000

NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMERCE

Housing Assistance, Weatherization, and Affordable Housing (20074009)

Reappropriation:

State Taxable Building Construction Account—State	\$62,000
Prior Biennia (Expenditures)	\$199,760,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$199,822,000

NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMERCE

2010 Local and Community Projects (30000082)

The reappropriation in this section is subject to the following conditions and limitations: The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account—State	\$1,975,000
Prior Biennia (Expenditures)	\$11,447,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,422,000

NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)

Reappropriation:

Public Facility Construction Loan Revolving Account—State	\$8,020,000
State Taxable Building Construction Account—State	\$4,000,000
Subtotal Reappropriation	\$12,020,000
Prior Biennia (Expenditures)	\$6,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,020,000

NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Program 2013 Loan List (30000184)

Reappropriation:

Public Works Assistance Account—State	\$11,000,000
Prior Biennia (Expenditures)	\$27,141,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$38,141,000

NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom Program (30000726)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6003, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$14,937,000
State Taxable Building Construction Account—State	\$3,532,000
Subtotal Reappropriation	\$18,469,000
Prior Biennia (Expenditures)	\$21,931,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,400,000

NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMERCE

Building Communities Fund Program (30000803)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$1,455,000 of the amount reappropriated in this section is provided solely for the Byrd Barr place, formerly known as Centerstone, building renovation project.

(2) \$220,000 of the amount reappropriated in this section is provided solely for El Centro de la Raza boiler fan and master plan for rehabilitation. This amount is not subject to the match requirements, pursuant to RCW 43.63A.125.

Reappropriation:

State Building Construction Account—State	\$1,675,000
Prior Biennia (Expenditures)	\$19,184,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,859,000

NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMERCE

Housing Trust Fund Appropriation (30000833)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess. and section 6008 of this act.

Reappropriation:

State Taxable Building Construction Account—State	\$10,406,000
Washington Housing Trust Account—State	\$278,000
Subtotal Reappropriation	\$10,684,000
Prior Biennia (Expenditures)	\$70,816,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$81,500,000

NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMERCE

2015-2017 Community Economic Revitalization Board Program (30000834)

Reappropriation:

Public Facility Construction Loan Revolving Account—State	\$10,588,000
Prior Biennia (Expenditures)	\$12,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,600,000

NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency and Solar Grants (30000835)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1035, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$23,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,000,000

NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMERCE

Ultra-Efficient Affordable Housing Demonstration (30000836)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1006, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Washington Housing Trust Account—State	\$845,000
Prior Biennia (Expenditures)	\$1,655,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMERCE

2017 Local and Community Projects (30000846)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$8,363,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,363,000

NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6005 of this act.

Reappropriation:

State Building Construction Account—State	\$17,165,000
State Taxable Building Construction Account—State	\$73,139,000
Washington Housing Trust Account—State	\$7,513,000
Subtotal Reappropriation	\$97,817,000
Prior Biennia (Expenditures)	\$13,972,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$111,789,000

NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMERCE

Economic Opportunity Grants (30000873)

Reappropriation:

Rural Washington Loan Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$1,750,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,750,000

NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMERCE

2017-19 Youth Recreational Facilities Grant Program (30000875)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1008, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$1,907,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,907,000

NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMERCE

2017-19 Building for the Arts Grant Program (30000877)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$6,000,000
Prior Biennia (Expenditures)	\$6,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,000,000

NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account Construction Loans (30000878)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6001 of this act and shall be expended for the projects listed. However, if upon review of applications the public works board determines that a project is ineligible for a loan, or if the entity responsible for construction of a listed project declines a loan, the department may transfer any excess funding to other public works projects as recommended and approved through the public works board, provided those projects meet eligibility criteria.

Reappropriation:

State Taxable Building Construction Account—State	\$65,117,000
Prior Biennia (Expenditures)	\$12,103,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$77,220,000

NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMERCE

Weatherization Plus Health Matchmaker Program (30000879)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1014, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$11,818,000
State Taxable Building Construction Account—State	\$4,934,000
Subtotal Reappropriation	\$16,752,000
Prior Biennia (Expenditures)	\$6,748,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,500,000

NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMERCE

Clean Energy Funds 3 (30000881)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6006 of this act.

Reappropriation:

Energy Efficiency Account—State	\$5,472,000
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State Building Construction Account—State	\$32,065,000
State Taxable Building Construction Account—State	\$7,934,000
Subtotal Reappropriation	\$45,471,000
Prior Biennia (Expenditures)	\$629,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$46,100,000

Early Learning Facilities Development Account—State	\$2,500,000
Early Learning Facilities Revolving Account—State	\$6,000,000
Subtotal Reappropriation	\$8,500,000
Prior Biennia (Expenditures)	\$7,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,500,000

NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF COMMERCE

Energy Efficiency and Solar Grants (30000882)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6007 of this act.

Reappropriation:

Energy Efficiency Account—State	\$5,478,000
State Building Construction Account—State	\$5,162,000
Subtotal Reappropriation	\$10,640,000
Prior Biennia (Expenditures)	\$360,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,000,000

NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMERCE

2017-19 Building Communities Fund Grant (30000883)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$18,500,000
Prior Biennia (Expenditures)	\$12,400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,900,000

NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 6003 of this act.

(2) The Interbay public development advisory committee shall provide a report to the legislature and office of the governor with recommendations by November 15, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee.

(3) The Interbay public development advisory committee terminates June 30, 2020.

Reappropriation:

State Building Construction Account—State	\$91,142,000
Prior Biennia (Expenditures)	\$39,799,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$130,941,000

NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMERCE

Early Learning Facility Grants (40000006)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 298, Laws of 2018.

Reappropriation:

NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMERCE

Dental Clinic Capacity Grants (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1006, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$6,534,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,534,000

NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMERCE

PWAA Preconstruction and Emergency Loan Programs (40000009)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$5,000,000 is for the public works board's emergency loan program.

(2) \$14,000,000 is for the public works board's preconstruction loan program.

Reappropriation:

State Taxable Building Construction Account—State	\$18,000,000
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,000,000

NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004 of this act.

Reappropriation:

State Building Construction Account—State	\$84,500,000
Prior Biennia (Expenditures)	\$5,876,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$90,376,000

NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMERCE

2019-21 Housing Trust Fund Program (40000036)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,050,000 of the state taxable building construction account—state appropriation and \$45,950,000 of the state building construction account—state appropriation are provided solely for production and preservation of affordable housing. Of the amounts in this subsection:

(a) \$35,000,000 of the appropriation is provided solely for housing projects that provide supportive housing and case-management services to persons with behavioral or chronic mental illness. When evaluating applications for this population,

the department must prioritize low-income supportive housing unit proposals that show:

(i) Evidence that the application was developed in collaboration with one or more health care entities that provide behavioral health care services to individuals eligible for the housing provided under this subsection;

(ii) A commitment by the applicant to provide, directly or through a formal partnership, necessary treatment and supportive services to the tenants and maintain the beds or housing units for at least a forty-year period;

(iii) Readiness to begin structural modifications or construction resulting in a fast project completion;

(iv) Program requirements that adhere to the key elements of permanent supportive housing programs including choice in housing and living arrangements, functional separation of housing and services, community integration, rights of tenancy, and voluntary recovery-focused services; and

(v) To achieve geographic distribution, the department must prioritize projects in rural areas as defined by the department per RCW 43.185.050 and unserved communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, unserved communities.

(b) \$10,000,000 of the appropriation in this section is provided solely for competitive grant awards for modular housing which includes high quality affordable housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. These funds must be awarded to projects with a total project development cost per housing unit of less than \$125,000, excluding the value of land, off-site infrastructure costs, and any capitalized reserves, compliant with the Americans with disabilities act, and with a commitment by the applicant to maintain the housing units for at least a fifty year period.

(c) \$10,000,000 of the appropriation in this section is provided solely for a state match or state matches on private contributions that fund the production and preservation of affordable housing. Awards must be made using a competitive process. If any funding remains unallocated after the first fiscal year during the 2019-2021 fiscal biennium, the department may allocate the remaining funding through its annual competitive process for affordable housing projects that serve and benefit low-income and special needs populations in need of housing.

(d)(i) \$10,000,000 of the appropriation in this section is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment to be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than fifteen years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(e)(i) \$7,000,000 of the appropriation in this section is provided solely for loans or grants to design and construct ultra-high energy efficient affordable housing projects.

(ii) To receive funding, a project must provide a life-cycle cost analysis report to the department and must demonstrate energy-saving and renewable energy systems either designed to reach net-zero energy use after housing is fully occupied or designed to achieve the most recent building standard of the passive house institute US as of the effective date of this section.

(iii) The department must consider, at a minimum and in any order, the following factors in assigning a numerical ranking to a project:

(A) Whether the proposed design has demonstrated that the project will achieve either net-zero energy use when fully occupied or will achieve the most recent building standard of the passive house institute US as of the effective date of this section;

(B) The life-cycle cost of the project;

(C) That the project demonstrates a design, use of materials, and construction process that can be replicated by the Washington building industry;

(D) The extent to which the project leverages nonstate funds;

(E) The extent to which the project is ready to proceed to construction;

(F) Whether the project promotes sustainable use of resources and environmental quality;

(G) Whether the project is being well managed to fund maintenance and capital depreciation;

(H) Reduction of housing and utilities carbon footprint; and

(I) Other criteria that the department considers necessary to achieve the purpose of this program.

(iv) The department must monitor and track the results of the housing projects that receive ultra-high energy efficiency funding under this section.

(f) \$45,950,000 of the appropriation in this section is provided solely for the following list of housing projects:

Bellwether Housing (Seattle)	\$6,000,000
Capitol Hill Housing Broadway (Seattle)	\$6,000,000
Crosswalk Teen Shelter and Transitional Housing Project (Spokane)	\$1,000,000
Ethiopian Community Affordable Housing (Seattle)	\$3,000,000
FUSION Emergency Housing for Homeless Families (Federal Way)	\$3,000,000
Highland Village (Airway Heights)	\$5,500,000
Home At Last (Tacoma)	\$1,500,000
Interfaith Works Shelter (Olympia)	\$3,000,000
NorthHaven Affordable Senior Housing Campus (Seattle)	\$1,000,000
Pateros Gardens (Pateros)	\$1,400,000
Roslyn Housing Project (Roslyn)	\$2,000,000
SCIDpda North Lot (Seattle)	\$9,000,000
Seattle Indian Health Board - Low Income Housing (Seattle)	\$1,000,000
Tenny Creek Assisted Living (Vancouver)	\$1,750,000
THA Arlington Drive (Tacoma)	\$800,000

(g) \$57,050,000 of the appropriation in this section is provided solely for affordable housing projects that serve and benefit low-income and special needs populations in need of housing. Of the amounts appropriated in this subsection, the department must allocate the funds as follows:

(i) \$5,000,000 of the appropriation in this section is provided solely for housing for veterans;

(ii) \$5,000,000 of the appropriation in this section is provided solely for housing that serves people with developmental disabilities;

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(iii) \$5,000,000 of the appropriation in this section is provided solely for housing that serves people who are employed as farmworkers; and

(iv)(A) \$5,000,000 of the appropriation in this section is provided solely for housing projects that benefit homeownership.

(B) During the 2019-2021 fiscal biennium, the department must use a separate application form for applications to provide homeownership opportunities and evaluate homeownership project applications as allowed under chapter 43.185A RCW.

(C) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2019-2021 fiscal biennium "first time home buyer" also includes:

(I) A single parent who has only owned a home with a former spouse while married;

(II) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and has only owned a home with a spouse;

(III) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(IV) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3)(a) The department must strive to allocate all of the amounts appropriated in this section within the 2019-2021 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(b) By June 30, 2021, the department must report on its web site the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to eighty percent of the area median income, up to fifty percent of the area median income, and up to thirty percent of the area median income, for both homeownership and multifamily rental projects.

(4)(a) The department, in cooperation with the housing finance commission, must develop and implement a process for the collection of certified final development cost data from each grant or loan recipient under this section. The department must use this data as part of its cost containment policy.

(b) Beginning December 1, 2019, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

(5) The legislature recognizes projects serving households at or below 30 percent of area median income may not generate

sufficient income to support long-term operations and services. In evaluating loan terms for projects funded by the housing trust fund program, particularly projects serving at or below 30 percent area median income households, the department must prioritize loan deferment to maintain long-term viability of projects.

Appropriation:

State Building Construction Account—State	\$45,950,000
State Taxable Building Construction Account—State	\$129,050,000
Subtotal Appropriation	\$175,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$480,000,000
TOTAL	\$655,000,000

NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMERCE

Pacific Tower Capital Improvements (40000037)

Appropriation:

State Taxable Building Construction Account—State	\$1,020,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,311,000
TOTAL	\$6,331,000

NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMERCE

Public Works Board (40000038)

The appropriation in this section is subject to the following conditions and limitations:

(1) During the 2019-2021 biennium, the public works board must prioritize water and sewer infrastructure projects.

(2) \$1,422,000 of the amounts in this section is provided solely for a grant for the port Hadlock wastewater facility project.

(3) \$1,400,000 of the amounts in this section is provided solely for a grant for the Eatonville water treatment plant project.

(4) \$1,000,000 of the amounts in this section is provided solely for a grant for the Ferndale wastewater treatment project. Additionally, the public works board must prioritize financing a loan of up to \$4,000,000 for project.

(5) \$4,000,000 of the amounts in this section is provided solely for a grant for the Wenatchi landing sewer extension – phase 1.

(6) \$2,000,000 of the amounts in this section is provided solely for a grant for the Belfair sewer extension project. Additionally, the public works board must prioritize financing a loan of up to \$9,000,000 for the project.

Appropriation:

Public Works Assistance Account—State	\$95,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$95,000,000

NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMERCE

2019-21 Building for the Arts Grant Program (40000039)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by

this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Seattle Theatre Group	\$310,000
Music Center of the Northwest	\$300,000
Seattle Symphony Orchestra	\$912,000
Broadway Center for the Performing Arts	\$586,000
Bainbridge Artisan Resource Network	\$1,057,000
Nordic Heritage Museum Foundation	\$2,000,000
Imagine Children's Museum	\$2,000,000
Seattle Opera	\$526,000
KidsQuest Children's Museum	\$816,000
Central Stage Theatre of County Kitsap	\$964,000
Roxy Bremerton Foundation	\$51,000
Port Angeles Waterfront Center	\$1,112,000
Rehabilitating Fort Worden's Historic Warehouses	\$712,000
Sea Mar Museum of Chicano/a Latino/a Culture	\$654,000

Appropriation:

State Building Construction Account—State	\$12,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	\$60,000,000

NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMERCE

2019-21 Community Economic Revitalization Board (40000040)

Appropriation:

Public Facility Construction Loan Revolving Account—State	\$8,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,400,000
TOTAL	\$43,000,000

NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMERCE

2019-21 Youth Recreational Facilities Grant Program (40000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Boys and Girls Clubs of Benton and Franklin Counties	\$1,088,000
Yakima Valley Farm Workers Clinic	\$737,000
Tulalip Tribes of Washington	\$425,000
YMCA of Pierce and Kitsap Counties	\$1,200,000
YMCA of the Inland Northwest	\$10,000
Bainbridge Island Child Care Centers	\$90,000
YMCA of Greater Seattle—Camp Orkila	\$250,000
Plus Delta After School Studios, dba The Club	\$80,000
YMCA of Greater Seattle—Camp Colman	\$250,000
Boys and Girls Clubs of Snohomish County	\$400,000
Camp Korey	\$545,000
Woodland Community Swimming Pool Committee	\$805,000

Appropriation:

State Building Construction Account—State	\$5,880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,880,000

NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMERCE

Clean Energy Transition 4 (40000042)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$6,107,000 of the state building construction account—state appropriation is provided solely for grid modernization grants for projects that: Advance clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Priority must be given to: (i) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and (ii) projects that have a partner that is a tribe or nonprofit organization that serves community eligible entities. Utilities may partner with other public and private sector research

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organizations, businesses, tribes, and nonprofit organizations in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(d) \$4,400,000 of the state building construction account—state appropriation is provided solely for providing shore power electrification at terminal five for the northwest seaport alliance. In order to receive this grant, the northwest seaport alliance must demonstrate that they applied to the VW settlement for this project and were denied.

(6)(a) \$8,100,000 of the state building construction account—state appropriation is provided solely for competitive grants for strategic research and development for new and emerging clean energy technologies. These grants will be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program. Clean energy organizations who compete for grants from the program may not participate in the design of the grant program. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies.

(d) \$1,000,000 of the state building construction account—state appropriation is provided solely for grants that enhance the viability of dairy digester bioenergy projects, energy efficiency, and resource recovery to demonstrate advanced nutrient recovery systems that produce value added biofertilizers, reduce trucking of lagoon water, and improve soil health and air and water quality. Grants shall include at least one project east of the Cascades and one project west of the Cascades. State agencies must promote and demonstrate the use of such recovered biofertilizers through state procurement and contracts.

(7)(a) \$3,000,000 of the state taxable building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies by households with high energy burden or environmental health risk now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that will provide matching private capital and will administer the loan fund. The department must select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(8) \$5,000,000 of the state building construction account—state appropriation is provided solely for the Washington Maritime Innovation Center. The center must be used to support technology acceleration and incubation, and act as a focal point for maritime sustainability, including, but not limited to, supporting technology development for maritime decarbonization and electrification.

(9) \$8,300,000 of the state taxable construction account—state appropriation is provided solely for scientific instruments to help accelerate research in grid-scale energy storage at the proposed grid-scale energy storage research, development, and testing facility at the Pacific Northwest national laboratory. The state funds are contingent on securing federal funds for the new facility, and are provided as a match to the federal funding. The instruments will support collaborations with the University of Washington and the Washington State University.

(10) \$593,000 of the state building construction account—state appropriation is provided solely to the port of Grays Harbor for an offshore ocean wave renewable energy demonstration project.

(11) \$1,500,000 of the state building construction account—state appropriation is provided solely to the Port of Skagit for the Guemes ferry dock shore power charging infrastructure.

Appropriation:

State Building Construction Account—State	\$21,300,000
State Taxable Building Construction Account—State	\$11,300,000
Subtotal Appropriation	\$32,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$192,600,000

NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMERCE

2019-21 Building Communities Fund Program (40000043)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.125.

(2) The department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by this appropriation. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) The appropriation is provided solely for the following list of projects:

Mercy Housing Northwest	\$820,000
Northwest Indian College	\$232,000
Refugee Women's Alliance (ReWA)	\$392,000
Coastal Community Action Program	\$3,120,000
West African Community Council	\$387,000
YWCA Pierce County	\$750,000
Work Opportunities	\$25,000
Whatcom Dispute Resolution Center	\$118,000
University Heights Center for the Community	\$271,000
Chief Seattle Club	\$1,700,000
HomeSight	\$3,000,000
Unity Care NW	\$3,000,000
Rainier Valley Food Bank	\$950,000
Peninsula Behavioral Health	\$200,000
Compass Health	\$3,500,000
Blue Mountain Action Council	\$750,000
Encompass Northwest	\$1,500,000
Boys & Girls Clubs of the Olympic Peninsula	\$575,000

Community Action Council of Lewis, Mason & Thurston Counties	\$475,000
YMCA of Greater Seattle	\$2,000,000
South Sound YMCA	\$3,500,000
Downtown Emergency Service Center (DESC)	\$2,000,000
Friends of Youth	\$210,000
Holly Ridge Center, INC	\$600,000
Partners with Families & Children: Spokane	\$500,000
Port Gamble S'Klallam Tribe Health and Wellness Center	\$2,000,000
Willapa Center	\$260,000
Lynnwood Neighborhood Center	\$2,000,000
FareStart Capital Improvements	\$200,000
Ethiopian Community Village	\$750,000
Spokane Guilds' School Capital Campaign	\$1,000,000

(4) The South Sound YMCA project funded in this section may pilot the use of the Washington sustainable school design protocol defined in RCW 39.35D.020 instead of meeting the LEED silver standard as specified in RCW 39.35D.030.

Appropriation:

State Building Construction Account—State	\$36,785,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	\$156,785,000

NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMERCE

2019-21 Early Learning Facilities (40000044)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the state building construction account—state appropriation is provided solely for the department of children, youth, and families to provide technical assistance to the department for the early learning facilities grants in this section.

(2) \$6,100,000 of the state building construction account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Proclaim Liberty Early Learning Facility	\$1,000,000
Roosevelt Child Care Center	\$1,500,000
City of Monroe, Boys & Girls Club ECEAP Facility	\$1,000,000
Family Support Center Olympia	\$600,000
Centralia-Chehalis Early Learning Conversion Project	\$2,000,000

(3) \$4,186,000 of the early learning facilities development account—state appropriation in this section is provided solely for the following list of early learning facility projects for school districts, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, in the following amounts:

Toppenish School District	\$111,000
Manson School District	\$400,000
Kettle Falls School District	\$395,000
North Thurston School District	\$324,000
Ellensburg School District	\$800,000
Everett School District	\$800,000
Tukwila School District	\$196,000
Richland School District	\$800,000
Lake Quinalt School District	\$360,000

(4) The remaining portion of the appropriation in this section is provided solely for early learning facility grants and loans subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092 to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations.

(5) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department of commerce and the department of children, youth, and families. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(6) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department of commerce pursuant to RCW 43.31.581 must first consider those areas at risk of not meeting the entitlement in accordance with RCW 43.216.556.

(7) The department of commerce must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

(8) When prioritizing applications for projects, pursuant to subsection (4) of this section, within the boundaries of a regional transit authority in a county that has received distributions or appropriations under RCW 43.79.520, the department must give priority to applications for which at least ten percent of the total project cost is supported by those distributions or appropriations.

(9) The department, in consultation with the office of the superintendent of public instruction and the department of children, youth, and families must identify buildings in the inventory and condition of schools database that are no longer included in the inventory of K-12 instructional space for purposes of calculating school construction assistance pursuant to chapter 28A.515 RCW, but that could be repurposed as early learning facilities and made available to eligible organizations. The department must report its findings and the list of buildings identified in this section to the office of financial management and the appropriate fiscal committees of the legislature by January 15, 2020.

Appropriation:

State Building Construction Account—State	\$6,300,000
Early Learning Facilities Revolving Account—State	\$18,014,000
Early Learning Facilities Development Account—State	\$4,186,000
Subtotal Appropriation	\$28,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$108,500,000

NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMERCE

2019-21 Weatherization (40000048)

The appropriation in this section is subject to the following conditions and limitations: \$5,000,000 is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners in making sound energy efficiency investments by providing consumer education and marketing, workforce support via training and lead generation, and direct consumer incentives for upgrades to

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existing homes and small commercial buildings; this is the maximum amount the department may expend for this purpose.

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

Appropriation:

State Building Construction Account—State \$20,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$100,000,000

TOTAL \$120,000,000

NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMERCE

2019-21 Energy Efficiency and Solar Grants Program (40000049)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$1,785,000 for fiscal year 2020 and \$1,785,000 for fiscal year 2021 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(b) At least twenty percent of each competitive grant round must be awarded in small cities or towns with a population of five thousand or fewer residents.

(c) In each competitive round, the higher the leverage ratio of nonstate funding sources to state grant and the higher the energy savings, the higher the project ranking.

(d) For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through reduced exposure to polychlorinated biphenyl. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(2) \$3,573,000 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(3) \$5,357,000 is provided solely for the state efficiency and environmental performance improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request. Prior to awarding funds, the department shall submit to the office of financial management a list of all proposed awards for review and approval.

(4) The department shall develop metrics that indicate the performance of energy efficiency efforts.

Appropriation:

State Building Construction Account—State \$12,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$100,000,000

TOTAL \$112,500,000

NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMERCE

Rural Rehabilitation Loan Program (40000052)

Appropriation:

State Taxable Building Construction Account—State \$5,000,000

NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMERCE

2019-21 Behavioral Health Capacity Grants (40000114)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department of commerce must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. The department of commerce may approve funding for the acquisition of a facility or land if the project results in increased capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) The department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the state investment, but for at least a fifteen-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the ability to maintain and operate the facility; and

(i) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in unserved and underserved areas of the state.

(5) \$47,000,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1), (2), (3), and (4) of this section:

(a) \$4,000,000 is provided solely for at least two enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$10,000,000 is provided solely for enhanced adult residential care facilities for long-term placements of dementia discharged or diverted from the state psychiatric hospitals and are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$4,000,000 is provided solely for at least two facilities with secure withdrawal management and stabilization treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$2,000,000 is provided solely for one or more crisis diversion or stabilization facilities to add sixteen beds in the Spokane region that will address both urban and rural needs, consistent with the settlement agreement in *A.B. by and through Trueblood, et al., v. DSHS, et al.* and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) \$5,000,000 is provided solely for at least four mental health peer respite centers that are not subject to federal funding restrictions that apply to institutions of mental diseases. No more than one mental health peer respite center should be funded in each of the nine regions;

(f) \$8,000,000 is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on ninety-day or one hundred eighty-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the omnibus operating appropriations act for these purposes.

(g) \$4,000,000 is provided solely for competitive community behavioral health grants to address regional needs;

(h) \$8,000,000 is provided solely for at least four intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases; and

(i) \$2,000,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(6) \$1,000,000 is provided solely for deposit into the revolving fund established in Second Substitute House Bill No. 1528 (recovery support services) for capital improvements. If the bill is not enacted by June 30, 2019, the amount provided in this subsection shall lapse.

(7) \$49,543,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

CHAS Spokane Behavioral Health	\$400,000
Chelan SUD Design	\$206,000
Columbia Valley Community Health Remodel	\$31,000
Colville SUD Facility	\$4,523,000
Community Health of Snohomish County Edmonds	\$1,000,000
DESC Health Clinic	\$6,000,000
Detox/Inpatient SUD Building (Centralia)	\$750,000
Evergreen RC Addiction Treatment Facility for Mothers (Everett)	\$2,000,000
HealthPoint Behavioral Health Expansion (Auburn)	\$1,030,000
Issaquah Opportunity Center (Issaquah)	\$3,000,000
Jamestown S'Klallam Behavioral Health	\$7,200,000
Lynnwood Sea Mar Behavioral Health Expansion	\$1,000,000
Nexus Youth and Families	\$535,000
North Sound SUD Treatment Facility (Everett)	\$1,500,000
Oak Harbor Tri-County Behavioral Health	\$1,000,000
Peninsula Community Health Services Behavioral Health Expansion (Bremerton)	\$1,700,000
Providence Regional Medical Center	\$4,700,000
Sea Mar Community Health Centers Seattle BH (Seattle)	\$371,000
Sedro-Woolley North Sound E&T	\$6,600,000
Spokane Crisis Stabilization	\$2,000,000
Virginia Mason Acute Stabilization	\$2,200,000
Yakima Neighborhood Health Services	\$488,000
Yakima Valley Farm Workers Clinic	\$309,000
YVFWC Children's Village	\$1,000,000

(8)(a) \$20,000,000 of the appropriation in this section is provided solely for a contract with MultiCare to provide a mixed-use psychiatric care facility in Auburn. The facility must include twelve to eighteen crisis stabilization beds, sixty commitment beds for short-term stays, and sixty long-term involuntary commitment beds for persons on a ninety-day or one hundred eighty-day civil commitment.

(b) The funding in this subsection is subject to the recipient maintaining and operating the beds for at least thirty years to serve (i) persons who are publicly funded and (ii) persons who are detained under the involuntary treatment act under chapter 71.05 RCW.

(9) \$408,000 is provided solely for the department for the purpose of providing technical assistance for the community behavioral health grants.

(10) The department of commerce must notify all applicants that they may be required to have a construction review performed by the department of health.

(11) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

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(12) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects in unserved areas of the state.

(13) The department must provide a progress report by November 1, 2020. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and

(c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

Appropriation:

State Building Construction Account—State	\$117,951,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$360,000,000
TOTAL	\$477,951,000

NEW SECTION. Sec. 1042. FOR THE DEPARTMENT OF COMMERCE

2020 Local and Community Projects (40000116)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

?al?al – means ‘home’ in Lushootseed (Seattle)	\$947,000
4th Ave. Street Enhancement (White Center)	\$670,000

Abigail Stuart House (Olympia)	\$250,000
Aging in PACE Washington (AiPACE) (Seattle)	\$1,500,000
Airport Utility Extension (Pullman)	\$1,626,000
Aquatic and Recreation Center (King County)	\$1,050,000
Arivva Community Center (Tacoma)	\$1,000,000
Arlington B&G Club Parking Safety (Arlington)	\$530,000
Asotin Masonic Lodge (Asotin)	\$62,000
Auburn Arts & Culture Center (Auburn)	\$500,000
Audubon Center (Sequim)	\$1,000,000
B&GC of Olympic Peninsula (Port Angeles)	\$500,000
B&GC of Thurston County (Lacey)	\$98,000
Ballard Food Bank (Seattle)	\$750,000
Battle Ground YMCA (Battle Ground)	\$500,000
Beacon Center Renovation (Tacoma)	\$1,000,000
Bellevue HERO House (Bellevue)	\$46,000
Benton Co. Museum Building Improvements (Prosser)	\$103,000
Big Brothers Big Sisters Learning Lab (Olympia)	\$56,000
Blue Mountain Action Council Comm. Services Center (Walla Walla)	\$1,000,000
Bothell Downtown Revitalization (Bothell)	\$1,500,000
Bowers Field Airport (Ellensburg)	\$275,000
Boys & Girls Club of Thurston Co. Upgrades (Rochester)	\$31,000
Boys & Girls Club Roof and Flooring Repairs (Federal Way)	\$319,000
Breeze Creek Culvert Replacement/East 4th St. Widening (La Center)	\$1,500,000
Browns Park Project (Spokane Valley)	\$536,000
Buffalo Soldiers' Museum (Seattle)	\$200,000
Camas Washougal Nature Play Area (Washougal)	\$103,000
Campus Towers (Longview)	\$228,000
Carbonado Water Source Protection Acquisition (Carbonado)	\$1,500,000
Carl Maxey Center (Spokane)	\$350,000
Carlisle Lake Park Improvements (Onalaska)	\$213,000
Carlyle Housing Facility Upgrades (Spokane)	\$400,000
Cathlamet Pioneer Center Restoration (Cathlamet)	\$165,000
Centerville Fire Dept. (Centerville)	\$216,000
Centerville Grange (Centerville)	\$90,000
Centralia Fox Theater (Centralia)	\$1,000,000
Chehalis River Bridge Ped Safety Lighting Ph2 (Aberdeen)	\$323,000
Cheney Reclaimed Water Project (Cheney)	\$2,000,000
Chief Kitsap Education and Community Resource Center (Poulsbo)	\$1,000,000
Chief Leschi Schools Facilities & Safety Project (Puyallup)	\$250,000
Chief Leschi Schools Safety & Security (Puyallup)	\$250,000
Children's Center Design & Feasibility Study (Vancouver)	\$400,000
Clymer Museum Remodel Ph2 (Ellensburg)	\$258,000
Colfax Pantry Building (Colfax)	\$247,000
Community Services of Moses Lake Food Bank Facility (Moses Lake)	\$2,000,000
Conconully Community Services Complex (Conconully)	\$515,000
Cosmopolis Elem. Energy & Safety (Cosmopolis)	\$206,000
Coulee City Medical Clinic (Coulee City)	\$150,000
Curran House Museum (University Place)	\$43,000
Dakota Homestead (Seattle)	\$155,000
Dawson Park Improvements (Tacoma)	\$258,000
Dayton Pump Station (Edmonds)	\$515,000
Dock and Marine Terminal (Seattle)	\$750,000
Downtown Park Gateway (Bellevue)	\$1,030,000

Dungeness River Audubon Center Expansion (Sequim)		(Washtucna)	\$24,000
	\$500,000	Historical Society Energy Upgrades (Anderson Island)	\$14,000
East Blaine Infrastructure (Blaine)	\$500,000	Hoh Tribe Broadband (Grays Harbor)	\$129,000
Ejido Community Farm (Whatcom)	\$250,000	Horseshoe Lake ADA Upgrades (Woodland)	\$82,000
El Centro de la Raza Federal Way Office (Federal Way)	\$1,000,000	Housing Needs Study (Statewide)	\$200,000
Enumclaw Aquatic Center (Enumclaw)	\$258,000	Howard Bowen Event Complex (Sumas)	\$1,712,000
Enumclaw Expo Center Roof (Enumclaw)	\$250,000	Howe Farm Water Service (Port Orchard)	\$52,000
Everett TOD Study (Everett)	\$200,000	ICHS Bellevue Clinic Renovation Project (Bellevue)	\$1,600,000
Everett YMCA (Everett)	\$1,000,000	Illahee Preserve's Lost Continent Acquisition (Bremerton)	\$335,000
Evergreen High School Health Center (Vancouver)	\$388,000	Ilwaco Boatyard Modernization (Ilwaco)	\$458,000
Evergreen Speedway Capital Improvement (Monroe)	\$150,000	Imagine Children's Museum Expansion and Renovation (Everett)	\$2,000,000
Excelsior Integrated Care Ctr. Sports Court (Spokane)	\$266,000	Index Water System Design (Index)	\$23,000
Excelsior Roof & Gym Repair (Spokane)	\$263,000	Infrastructure for Economic Development (Port Townsend)	\$675,000
Excelsior Vocational Education Space (Spokane)	\$164,000	Innovative Health Care Learning Center Phase 1 (Yakima)	\$500,000
Expanding on Excellence Capital Campaign (White Salmon)	\$500,000	Interactive Educ. Enh./Friends Issaquah Hatchery (Issaquah)	\$113,000
Family Education and Support Services (Tumwater)	\$500,000	Intersection Improvements Juanita Dr. (Kirkland)	\$750,000
Felts Field Gateway Improvement Phase 1 (Spokane)	\$100,000	Japanese American Exclusion Memorial (Bainbridge Island)	\$155,000
Fennel Creek Trailhead (Bonney Lake)	\$258,000	Japanese Gulch Daylight Project (Mukilteo)	\$400,000
Filipino Hall Renovation (Wapato)	\$63,000	Keller House and Carriage House Paint Restoration (Colville)	\$45,000
Fircrest Pool (Fircrest)	\$1,000,000	Key Kirkland Sidewalk Repairs (Kirkland)	\$537,000
FISH Food Bank (Ellensburg)	\$772,000	Key Peninsula Elder Community (Gig Harbor)	\$1,000,000
Fishtrap Creek Habitat Improvement (Lynden)	\$258,000	Ki-Be School Parking Lot Improvements (Benton City)	\$268,000
Flood Plain Stabilization, Habitat Enhancement (Kent)	\$1,000,000	Kitsap Conservation Study (Kitsap)	\$51,000
Food Lifeline (Seattle)	\$1,004,000	Kittitas Valley Event Center (Ellensburg)	\$206,000
Foothills Trail Extension (Wilkeson)	\$500,000	Klickitat Co. Sheriff Office Training Bldg. (Goldendale)	\$335,000
Fort Steilacoom Park Artificial Turf Infields (Lakewood)	\$1,015,000	KNKX Radio Studio (Tacoma)	\$824,000
Fourth Plain Community Commons (Vancouver)	\$800,000	Lacey Veterans Services Hub Facility Renovation (Lacey)	\$2,000,000
Garfield Co. Hospital HVAC (Pomeroy)	\$250,000	Lake Chelan Community Center (Lake Chelan)	\$250,000
Gateway Center (Grays Harbor)	\$500,000	Lake Chelan Water Supply (Wenatchee)	\$464,000
Gene Coulon Memorial Beach Park Play Equipment Upgrade (Renton)	\$618,000	Lake City Community Center Replacement (Seattle)	\$2,000,000
George Community Hall Roof (George)	\$201,000	Lake Stevens Civic Center Phase II (Lake Stevens)	\$1,000,000
George Davis Creek Fish Passage Project (Sammamish)	\$515,000	Lake Sylvia State Park Pavilion (Montesano)	\$250,000
Gig Harbor Food Bank (Gig Harbor)	\$180,000	Lake Wilderness Park Improvements (Maple Valley)	\$200,000
Goldendale Airport (Goldendale)	\$550,000	Land Use & Infrastructure Subarea Plan (Mill Creek)	\$300,000
Grand Connection Downtown Park Gateway (Bellevue)	\$1,000,000	Larson Gallery Renovation (Yakima)	\$875,000
Granger Historical Museum Construction (Granger)	\$150,000	Leffler Park (Manson)	\$265,000
Granite Falls Police Dept. Renovation Project (Granite Falls)	\$412,000	Legacy in Motion (Puyallup)	\$1,750,000
Grays Harbor and Willapa Bay Sedimentation (Grays Harbor)	\$464,000	Legacy Site Utility Infrastructure (Maple Valley)	\$154,000
Grays Harbor YMCA (Grays Harbor)	\$293,000	Lewis Co. CHS Pediatric Clinic (Centralia)	\$84,000
Greater Maple Valley Veterans Memorial (Maple Valley)	\$102,000	Little Badger Mountain Trailhead (Richland)	\$464,000
Green Bridges, Healthy Communities; Aurora Bridge I-5 (Seattle)	\$1,500,000	Little Mountain Road Pipeline and Booster Station (Mount Vernon)	\$1,300,000
Greenwood Cemetery Restoration (Centralia)	\$402,000	Long Beach Police Department (Long Beach)	\$705,000
Greenwood Cemetery Safety Upgrades (Centralia)	\$91,000	Lopez Island Swim Center (Lopez Island)	\$1,000,000
HealthPoint (Tukwila)	\$1,000,000	Lummi Hatchery Project (San Juan)	\$1,000,000
HealthPoint Dental Expansion (SeaTac)	\$1,545,000	Mabton City Park (Mabton)	\$54,000
Heritage Senior Housing (Chelan)	\$52,000	Main Street Redevelopment Project - Phase 2 (University Place)	\$985,000
High Dune Trail & Conservation Project (Ocean Shores)	\$140,000	Mariner Community Campus (Everett)	\$2,250,000
Historic Downtown Chelan Revitalization (Chelan)	\$52,000	Mary's Place (Burien)	\$2,050,000
Historic Olympic Stadium Preservation Project (Hoquiam)	\$515,000	Marymount Museum/Spana-Park Senior Center (Spanaway)	\$1,000,000
Historical Museum & Community Center Roof Replacement			

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McChord Airfield North Clear Zone (Lakewood)	\$500,000	Puyallup Culvert Replacement (Puyallup)	\$515,000
McCormick Woods Sewer Lift #2 Improvements (Port Orchard)	\$800,000	Puyallup Street Frontage Improvement (Puyallup)	\$258,000
Melanie Dressel Park (Tacoma)	\$500,000	Puyallup VFW Kitchen Renovation (Puyallup)	\$52,000
Mercer Is/Aubrey Davis Park Trail Upgrade (Mercer Island)	\$500,000	Quincy Hospital (Quincy)	\$300,000
Missing & Murdered Indigenous Women Memorial (Toppenish)	\$49,000	Quincy Square on 4th (Bremerton)	\$206,000
Monroe B&G Club ADA Improvements (Monroe)	\$464,000	Recreation Park Renovation (Chehalis)	\$258,000
Mountlake Terrace Main Street (Mountlake Terrace)	\$750,000	Redmond Pool (Redmond)	\$1,000,000
Mt. Adams Comm. Forest, Klickitat Canyon Rim Purchase (Glenwood)	\$400,000	Renton Trail Connector (Renton)	\$500,000
Mt. Adams School District Athletic Fields (Harrah)	\$242,000	Richmond Highland Recreation Center Repairs (Shoreline)	\$500,000
Mt. Peak Fire Lookout Tower (Enumclaw)	\$381,000	Rise Together White Center Project (King County)	\$1,000,000
Mt. Spokane SP Ski Lift (Mead)	\$750,000	Ritzville Business & Entrepreneurship Center (Ritzville)	\$350,000
Mukilteo Promenade (Mukilteo)	\$500,000	Rosalia Sewer Improvements (Rosalia)	\$500,000
Museum Storage Building (Steilacoom)	\$72,000	Roslyn Downtown Assoc. (Roslyn)	\$480,000
Naches Fire/Rescue, Yakima Co. #3 (Naches)	\$200,000	Royal Park & Rec Ctr. (Royal City)	\$250,000
Naselle HS Music/Vocational Wing (Naselle)	\$258,000	Sargent Oyster House Maritime Museum (Allyn)	\$218,000
Naselle Primary Care Clinic (Naselle)	\$216,000	Schmid Ballfields Ph3 (Washougal)	\$584,000
Naselle SD Flooring (Naselle)	\$237,000	Scott Hill Park & Sports Complex (Woodland)	\$500,000
NCRA Maint. Bldg., Parking Lot, Event Space (Castle Rock)	\$283,000	Sea Mar Community Health Centers Tumwater Dental (Olympia)	\$170,000
NEW Health Programs, Colville Dental Clinic (Colville)	\$1,250,000	Seaport Landing (Aberdeen)	\$349,000
Newman Lake Flood Control Zone District (Newman Lake)	\$415,000	Seattle Aquarium (Seattle)	\$1,000,000
North Elliott Bay Public Dock; Marine Transit Terminal (Seattle)	\$1,000,000	Seattle Goodwill (Seattle)	\$2,000,000
Northshore Senior Center Rehabilitation Project (Bothell)	\$500,000	Sewage Lagoon Decommissioning (Concrete)	\$255,000
Northwest African American Museum (Seattle)	\$500,000	Shelton Civic Center Parking Lot (Shelton)	\$283,000
Northwest Native Canoe Center (Seattle)	\$986,000	Shoreline Maintenance Facility - Brightwater Site (Shoreline)	\$500,000
NW School of Wooden Boatbuilding (Port Hadlock)	\$464,000	Skabob House Cultural Center (Shelton)	\$350,000
Oak Harbor Marina (Oak Harbor)	\$400,000	Skagit County Sheriff Radios (Skagit)	\$1,000,000
Oakville SD Kitchen Renovation (Oakville)	\$517,000	Skamania Courthouse Plaza (Stevenson)	\$150,000
Oddfellows Ellensburg Bldg. Restoration (Ellensburg)	\$267,000	Snohomish Carnegie Project (Snohomish)	\$500,000
Opening Doors - Permanent Supportive Housing Facility (Bremerton)	\$750,000	Snohomish County Sheriff's Office South Precinct (Snohomish)	\$1,000,000
Orting City Hall and Police Station (Orting)	\$600,000	Snohomish Fire District #26 Communications Project (Gold Bar)	\$27,000
Orting Ped Evac Crossing (Orting)	\$103,000	Snoqualmie Early Learning Center (Snoqualmie)	\$500,000
Othello Regional Water (Othello)	\$425,000	Snoqualmie Valley Youth Activities Center (North Bend)	\$412,000
Outdoors for All (Seattle)	\$1,000,000	South Fork Snoqualmie Levee Setback Project (North Bend)	\$250,000
Pacific Co. Fairgrounds Roof (Menlo)	\$210,000	SOZO Sports Indoor Arena (Yakima)	\$600,000
Packwood FEMA Floodplain Study (Packwood)	\$637,000	Spokane Sportsplex (Spokane)	\$1,000,000
Pasco Farmers Market & Park (Pasco)	\$154,000	Springbrook Park Expansion & Clover Creek Restoration (Lakewood)	\$773,000
Pendergast Regional Park Phase II (Bremerton)	\$50,000	SR 503 Ped/Bike Ph1&2 (Woodland)	\$235,000
Peninsula Community Health Service Dental Mobile (Bremerton)	\$340,000	SR 530 "Oso" Slide Memorial (Arlington)	\$300,000
PenMet - Cushman Trail Enhancements (Gig Harbor)	\$52,000	Stan and Joan Cross Park (Tacoma)	\$500,000
PenMet Community Rec Center (Gig Harbor)	\$173,000	Starfire Sports STEM (Tukwila)	\$250,000
Pet Overpopulation Prevention Vet Clinic Building (West Richland)	\$300,000	Step by Step (Puyallup)	\$500,000
Pine Garden Apartment Roof (Shelton)	\$46,000	Stevens Co. Disaster Response Communications (Colville)	\$500,000
Pioneer Park Fountain (Walla Walla)	\$9,000	Sultan Water Treatment Plant Design (Sultan)	\$246,000
Pomeroy Booster Pumping Station (Pomeroy)	\$96,000	Sumas History Themed Playground and Water Park (Sumas)	\$288,000
Port of Everett (Everett)	\$300,000	Sunnyside Airport Hangar Maintenance Facility (Sunnyside)	\$500,000
Port of Ilwaco Boatyard Modernization (Ilwaco)	\$545,000	Sunnyside Yakima Valley-TEC Welding Program (Yakima)	\$26,000
Port of Willapa Harbor Dredging Support Boat (Tokeland)	\$180,000	Sunset Multi-Service & Career Development Center (Renton)	\$1,000,000
Poulsbo Historical Society (Poulsbo)	\$400,000	SW WA Dance Center (Chehalis)	\$62,000
Prairie View Schoolhouse Community Center (Waverly)	\$57,000	SW WA Fairgrounds (Chehalis)	\$103,000
Protect Sewer Plant from Erosion (Ocean Shores)	\$155,000	SW Washington Regional Agriculture & Innovation Park (Tenino)	\$1,500,000

Swede Hall Renovation (Rochester)	\$196,000
Tacoma Beacon Center Renovation (Tacoma)	\$1,000,000
Tacoma Community House (Tacoma)	\$413,000
Tam O'Shanter Park Circulation & Parking Phase 2 (Kelso)	\$1,030,000
Tehaleh Slopes Bike Trail (Bonney Lake)	\$309,000
Telford Helipad (Creston)	\$52,000
Tenino City Hall Renovation (Tenino)	\$515,000
Terminal 1 Waterfront Development (Vancouver)	\$4,700,000
The AMP: Aids Memorial Pathway (Seattle)	\$600,000
The Morck Hotel (Aberdeen)	\$500,000
Toledo Sewer & Water (Toledo)	\$469,000
Tonasket Senior Citizen Ctr. (Tonasket)	\$33,000
Town Center to Burke Gilman Trail Connector (Lake Forest Park)	\$500,000
Tukwila Village Food Hall (Tukwila)	\$400,000
Twin Springs Park (Kenmore)	\$155,000
Twisp Civic Building & EOC (Twisp)	\$1,288,000
United Way of Pierce County HVAC (Tacoma)	\$206,000
University Place Arts (University Place)	\$34,000
Vertical Evacuation (Ocean Shores)	\$500,000
Veterans Memorial Museum (Chehalis)	\$123,000
Veterans Supportive Housing (Yakima)	\$2,500,000
VOA Lynnwood Center (Lynnwood)	\$1,000,000
Volunteer Park Amphitheater (Seattle)	\$500,000
West Kelso Affordable Housing & Community Facility Study (Kelso)	\$258,000
WA Poison Control IT (Seattle)	\$151,000
Waitsburg Taggart Road Waterline (Waitsburg)	\$456,000
Wallula Dodd Water System Improvement (Walla Walla)	\$200,000
Wapato Creek Restoration (Fife)	\$258,000
Warren Ave. Playfield (Bremerton)	\$206,000
Washington Park Boat Launch Storm Damage (Anacortes)	\$200,000
Wesley Homes (Des Moines)	\$2,000,000
Westport Dredge Material Use (Westport)	\$250,000
Whidbey Is. B&G Coupeville (Coupeville)	\$849,000
Whidbey Is. B&G Oak Harbor (Oak Harbor)	\$743,000
White Center Community HUB (Seattle)	\$500,000
Wilkeson Water Protection (Wilkeson)	\$36,000
Willapa BH - Long Beach Safety Improvement Project (Long Beach)	\$225,000
William Shore Memorial Pool (Port Angeles)	\$840,000
Wing Luke Museum Homestead Home (Seattle)	\$500,000
Wisdom Ridge Business Park (Ridgefield)	\$2,000,000
Yakima Co. Veterans Dental Facility (Yakima)	\$469,000
Yakima Valley Fair & Rodeo Multi-Use Facility (Grandview)	\$200,000
Yelm Business Incubator Serving Thurston/Pierce Counties (Yelm)	\$200,000
Yelm Water Tower (Yelm)	\$303,000
YMCA Childcare Center Tenant Improvements (Woodinville)	\$1,000,000

(8) \$400,000 of the appropriation in this section is provided solely to the city of Oak Harbor to enhance the fiscal sustainability and revenue generation of the city-owned marina through feasibility work, planning, development, and acquisition.

(9) \$200,000 of the appropriation in this section is provided solely for the department to contract for a study regarding both available and needed affordable housing for farmworkers and Native Americans in Washington state. The study must include data to inform policies related to affordable housing for farmworkers and Native Americans and supplement the housing assessment conducted by the affordable housing advisory board created in chapter 43.185B RCW.

(10) \$200,000 of the appropriation in this section is provided solely for a grant to the Tacoma buffalo soldiers' museum to conduct a feasibility study for the rehabilitation of building 734, the band barracks at Fort Lawton in Discovery park. The study will provide an assessment of general conditions of building 734 and cost estimates for a comprehensive rehabilitation of the building to meet current building codes including, but not limited to heating, ventilation, air conditioning, and mechanical systems, seismic retrofits, and compliance with the Americans with disabilities act.

(11) \$1,300,000 of the appropriation in this section is provided solely for a grant to the Skagit public utility district for the Little Mountain Road pipeline and booster station. \$1,000,000 of these funds are provided solely for the design phase of the project; \$150,000 of these funds are provided solely for land acquisition; and \$150,000 of these funds are provided solely to the district for a public outreach effort to solicit input on the project from residents and rate payers.

Appropriation:	
State Building Construction Account—State	\$162,793,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$162,793,000

NEW SECTION. Sec. 1043. FOR THE DEPARTMENT OF COMMERCE

Washington Broadband Program (40000117)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5511 (broadband service). If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.

(2) The funding in this section is provided solely for grants, loans, and administrative expenses related to implementation of the broadband program. Of the total funds:

(a) \$14,440,000 is provided solely for loans. Moneys attributable to appropriations of state bond proceeds may not be expended for loans to nongovernmental entities.

(b) \$7,110,000 is provided solely for grants.

(3) The public works board must collaborate with the community economic revitalization board on at least:

(a) Existing universal communications account funding that will be used for grant or loan distributions in the 2019-2021 biennial period; and

(b) New grants and loans from the statewide broadband account created in Second Substitute Senate Bill No. 5511 (broadband service).

(4) By January 1, 2021, in the first report to the legislature required under section 6 of Second Substitute Senate Bill No. 5511 (broadband service), the governor's statewide broadband office must include a list of potential regional projects that will accelerate broadband access by providing connections to local jurisdictions, with recommendations for how to fund such larger scale projects. This list must be developed within existing resources.

Appropriation:	
Statewide Broadband Account—State	\$21,550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$101,550,000

NEW SECTION. Sec. 1044. FOR THE DEPARTMENT OF COMMERCE

2019-21 Behavioral Rehabilitation Services Capacity Grants (40000124)

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The appropriation in this section is subject to the following conditions and limitations:

(1) Funding provided in this section may be used for the renovation or construction directly associated with behavioral rehabilitation services settings. The funding provided in this section is limited to projects at facilities that are not state-owned, that add capacity to address unmet need, and are maintained as behavioral rehabilitation services capacity available to the state for at least a five-year period.

(2) The department shall consult as needed with the department of children, youth, and families to ensure that, to the maximum extent possible, the use of funding provided in this section facilitates placements that will better accommodate permanency plans including, but not limited to, parent-child visitation.

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1045. FOR THE DEPARTMENT OF COMMERCE

Housing for the Homeless (91000413)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1011, chapter 2, Laws of 2012 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account—State	\$284,000
Prior Biennia (Expenditures)	\$28,660,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,944,000

NEW SECTION. Sec. 1046. FOR THE DEPARTMENT OF COMMERCE

Housing for Homeless Veterans (91000455)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1064, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account—State	\$72,000
Prior Biennia (Expenditures)	\$9,295,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,367,000

NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF COMMERCE

Housing for Farmworkers (91000457)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1065, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account—State	\$3,178,000
Prior Biennia (Expenditures)	\$23,872,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$27,050,000

NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF COMMERCE

Housing for People with Developmental Disabilities (91000458)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1066, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Taxable Building Construction Account—State	\$88,000
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Prior Biennia (Expenditures)	\$8,931,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,019,000

NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom Program (91000582)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1074, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,640,000
Prior Biennia (Expenditures)	\$34,410,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,050,000

NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF COMMERCE

CERB Administered Broadband Infrastructure (91000943)

The reappropriation and appropriation in this section are subject to the following conditions and limitations: The reappropriation and appropriation are subject to the provisions of section 1008, chapter 298, Laws of 2018. The community economic revitalization board may continue to make grants and loans until the end of the 2019-2021 fiscal biennium.

Reappropriation:

State Taxable Building Construction Account—State	\$10,000,000
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Appropriation:

Public Works Assistance Account—State	\$3,450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,450,000

NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF COMMERCE

2017-19 Stormwater Pilot Project (91001099)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$50,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF COMMERCE

2019 Local and Community Projects (91001157)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1012, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$28,000,000
Prior Biennia (Expenditures)	\$12,569,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,569,000

NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF COMMERCE

Library Capital Improvement Program (91001239)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$12,838,000 is provided solely for a local library capital improvement grant program for the following list of projects:

Asotin County Library Building Phase II	\$923,000
Birch Bay Vogt Community Library	\$2,000,000

La Conner Regional Library	\$720,000
Mount Vernon Library	\$1,000,000
Roslyn Library	\$780,000
Sedro-Woolley Library	\$1,000,000
Silverdale Library	\$1,600,000
Union Gap Library and Community Center	\$2,000,000
Winthrop Library	\$2,000,000
Woodland Community Library	\$515,000
Yale Valley Community Library	\$300,000

(2) The department of commerce must establish a competitive process to solicit proposals for and prioritize projects whose primary objective is to assist libraries operated by governmental units as defined in RCW 27.12.010 in acquiring, constructing, or rehabilitating facilities.

(3) The department of commerce must establish a committee to develop the grant program criteria and review proposals. The committee must be composed of five members as provided in this subsection. The committee must include: (a) A representative from the department of commerce; (b) a representative from the department of archaeology and historic preservation; (c) the state librarian; (d) a representative from a library district; and (e) a representative from a municipal library.

(4) The department of commerce must conduct a statewide solicitation of project applications. The department of commerce must evaluate and rank applications in consultation with the committee established in subsection (3) of this section, using objective criteria. The ranking of projects must prioritize library district facilities listed on a local, state, or federal register of historic places and those located in distressed or rural counties. The evaluation and ranking process must also include an examination of existing assets that applicants propose to apply to projects. Grant assistance under this section may not exceed fifty percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(5) The department of commerce must submit a prioritized list of recommended projects to the governor and the legislature by October 1, 2020, for inclusion in the department of commerce's 2021-2023 biennial capital budget request. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. Individual grants may not exceed two million dollars. The total amount of recommended state funding for the projects on a biennial project list must not exceed ten million dollars.

(6) In contracts for grants authorized under this section, the department of commerce must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee must repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant.

Appropriation:

State Building Construction Account—State	\$12,838,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$52,838,000

NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF COMMERCE

Rapid Response Community Preservation Pilot Program (91001278)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 is provided solely for a rapid response manufactured housing community preservation pilot program for the purpose of preserving manufactured and mobile home communities. To implement the program, the department of commerce must contract directly with the northwest cooperative development center—resident owned communities through a rapid contracting process, allowing the contractor to work with residents of one or more mobile home parks to engage in one or more purchase and sale agreements, with the purpose of preserving the mobile home community as a nonprofit, or co-op run affordable housing project and benefitting people and households at or below eighty percent of the area median income. The department of commerce, in collaboration with the contractor, must submit a report to the legislature by June 30, 2021, reporting how the funds were distributed, how many mobile home parks were purchased, and the demographics of the residents.

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1055. FOR THE DEPARTMENT OF COMMERCE

Central District Community Preservation and Development Authority (91001280)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 is provided solely for the department of commerce to support the establishment of the central district community preservation and development authority in order to facilitate the transfer of the Seattle vocational institute property located at 2120 South Jackson Street, Seattle, Washington 98144 from the Seattle central college to the authority established in House Bill No. 1918 (community preservation auth.). The department must contract with an entity that is familiar with the project, the community, and the state agencies to organize the central district community preservation and development authority.

(2) \$500,000 is provided solely for the department of commerce to oversee the closure of the Seattle vocational institute for the time period between when the Seattle Central College vacates the property and when the deed of property is transferred to the central district community preservation and development authority pursuant to section 7039 of this act.

(3) If House Bill No. 1918 (community preservation auth.) is not enacted by June 30, 2019, the amounts provided in this section shall lapse.

Appropriation:

State Taxable Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 1056. FOR THE DEPARTMENT OF COMMERCE

Dental Capacity Grants (91001306)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following list of projects:

Bethel Dental Clinic	\$500,000
Columbia County Dental	\$250,000
Skagit Valley College WDTEP	\$550,000

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Vancouver Dental	\$175,000
Appropriation:	
State Building Construction Account—State	\$1,475,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,475,000

NEW SECTION. Sec. 1057. FOR THE DEPARTMENT OF COMMERCE

Port and Export Related Infrastructure (92000102)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 306, chapter 1, Laws of 2012 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$700,000
Prior Biennia (Expenditures)	\$32,450,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,150,000

NEW SECTION. Sec. 1058. FOR THE DEPARTMENT OF COMMERCE

Projects for Jobs & Economic Development (92000151)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Except as provided in subsection (2) of this section, the reappropriations are subject to the provisions of section 1077, chapter 19, Laws of 2013 2nd sp. sess.

(2) \$1,000,000 of the reappropriation, not to exceed the amount remaining from the original appropriation, originally for the South Kirkland TOD/Cross Kirkland Corridor, may be used for the pedestrian crossing project at Kirkland Avenue and Lake Street.

Reappropriation:

Public Facility Construction Loan Revolving Account—State	\$3,000,000
State Building Construction Account—State	\$1,000,000
Subtotal Reappropriation	\$4,000,000
Prior Biennia (Expenditures)	\$33,109,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$37,109,000

NEW SECTION. Sec. 1059. FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Youth & Families (92000227)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1079, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$19,377,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,677,000

NEW SECTION. Sec. 1060. FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Communities & Quality of Life (92000230)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6006, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,400,000
Appropriation:	
Model Toxics Control Capital Account—State	\$40,000
Prior Biennia (Expenditures)	\$30,688,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,128,000

NEW SECTION. Sec. 1061. FOR THE DEPARTMENT OF COMMERCE

Community Behavioral Health Beds - Acute & Residential (92000344)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1007, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$39,399,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,399,000

NEW SECTION. Sec. 1062. FOR THE DEPARTMENT OF COMMERCE

Local & Community Projects 2016 (92000369)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6009 of this act.

Reappropriation:

State Building Construction Account—State	\$21,750,000
Prior Biennia (Expenditures)	\$107,169,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$128,919,000

NEW SECTION. Sec. 1063. FOR THE DEPARTMENT OF COMMERCE

Disaster Emergency Response (92000377)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$50,000
Prior Biennia (Expenditures)	\$1,759,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,809,000

NEW SECTION. Sec. 1064. FOR THE DEPARTMENT OF COMMERCE

Behavioral Rehabilitation Services Capacity Grants (92000611)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1065. FOR THE DEPARTMENT OF COMMERCE

Landlord Mitigation Account (92000722)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5600 (residential tenants). If the bill is not enacted by June 30, 2019, the amounts provided in this section shall lapse.

(2) \$1,000,000 of the appropriation in this section shall be deposited in the landlord mitigation program account.

Appropriation:

State Taxable Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1066. FOR THE DEPARTMENT OF COMMERCE

Palouse to Cascades Trail Facilitation (92000833)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce to contract for facilitation and mediation of ownership, development, and use conflicts along the Palouse to Cascades trail in Adams and Whitman counties. The contractor shall convene a process that will make recommendations to the legislature by January 15, 2020. The parties to the facilitation shall include, but are not limited to: The state parks and recreation commission, the farm bureau, the department of natural resources, recreational trail user groups, local governments adjacent to the trail, and landowners adjacent to the trail.

(2) The recreation and conservation office shall not release funding for the following project on Washington wildlife and recreation program LEAP capital document No. 2019-5H: Palouse to Cascades Connection Malden and Rosalia, until July 1, 2020.

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000

NEW SECTION. Sec. 1067. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Cowlitz River Dredging (20082856)

Reappropriation:

State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 1068. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Catastrophic Flood Relief (20084850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1074, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,653,000
Prior Biennia (Expenditures)	\$86,034,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$87,687,000

NEW SECTION. Sec. 1069. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Oversight of State Facilities (30000039)

Appropriation:

Thurston County Capital Facilities Account—State	\$2,610,000
Prior Biennia (Expenditures)	\$2,458,000
Future Biennia (Projected Costs)	\$10,440,000
TOTAL	\$15,508,000

NEW SECTION. Sec. 1070. FOR THE OFFICE OF FINANCIAL MANAGEMENT

OFM Capital Budget Staff (30000040)

Appropriation:

Thurston County Capital Facilities Account—State	\$1,315,000
Prior Biennia (Expenditures)	\$1,222,000
Future Biennia (Projected Costs)	\$5,260,000
TOTAL	\$7,797,000

NEW SECTION. Sec. 1071. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Emergency Repairs (90000041)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, a request letter for emergency funding signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include a statement describing the health and safety hazard and impacts to facility operations, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as emergency projects are approved for funding.

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 1072. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

East Plaza - Water Infiltration & Elevator Repairs (30000548)

Reappropriation:

State Building Construction Account—State	\$4,550,000
Appropriation:	
State Building Construction Account—State	\$2,444,000
Prior Biennia (Expenditures)	\$3,778,000
Future Biennia (Projected Costs)	\$14,883,000
TOTAL	\$25,655,000

NEW SECTION. Sec. 1073. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-Term Management Planning (30000740)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1034, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,369,000
Prior Biennia (Expenditures)	\$881,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,250,000

NEW SECTION. Sec. 1074. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Transportation Building Preservation (30000777)

Reappropriation:

Capitol Building Construction Account—State	\$3,925,000
Prior Biennia (Expenditures)	\$57,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,982,000

NEW SECTION. Sec. 1075. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Elevator Modernization (30000786)

The appropriation in this section is subject to the following conditions and limitations:

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(1) The appropriation in this section is provided solely for elevator modernization.

(2) Reappropriation funding is for the following elevator modernizations to be completed:

- (a) Plaza garage, elevator number one; and
- (b) Capitol court building, elevator number one.

(3) Selection of the elevator to modernize with the new appropriation must be prioritized based on safety and security.

Reappropriation:

State Building Construction Account—State \$1,691,000

Appropriation:

State Building Construction Account—State \$1,091,000

Prior Biennia (Expenditures) \$309,000

Future Biennia (Projected Costs) \$21,347,000

TOTAL \$24,438,000

NEW SECTION. Sec. 1076. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Systems Rehabilitation (30000791)

Reappropriation:

Capitol Building Construction Account—State \$150,000

Prior Biennia (Expenditures) \$843,000

Future Biennia (Projected Costs) \$0

TOTAL \$993,000

NEW SECTION. Sec. 1077. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus Physical Security & Safety Improvements (30000812)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,508,000 is provided solely for the security improvements of distributed antenna system in the natural resource building, columbia, and department of transportation parking garages.

(2) The reappropriations are subject to the provisions of section 1025, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State \$1,625,000

Thurston County Capital Facilities Account—State \$710,000

Subtotal Reappropriation \$2,335,000

Appropriation:

Capitol Building Construction Account—State \$1,508,000

Prior Biennia (Expenditures) \$415,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,258,000

NEW SECTION. Sec. 1078. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Statewide Minor Works - Preservation Projects (30000825)

Reappropriation:

Enterprise Services Account—State \$207,000

State Building Construction Account—State \$3,246,000

State Vehicle Parking Account—State \$79,000

Subtotal Reappropriation \$3,532,000

Prior Biennia (Expenditures) \$368,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,900,000

NEW SECTION. Sec. 1079. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Building Envelope Repairs (30000829)

Reappropriation:

Capitol Building Construction Account—State \$2,537,000

State Building Construction Account—State \$2,167,000

Subtotal Reappropriation \$4,704,000

Prior Biennia (Expenditures) \$518,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,222,000

NEW SECTION. Sec. 1080. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Engineering & Architectural Services: Staffing (30000889)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year, the department must report to the office of financial management and the fiscal committees of the legislature on performance, including the following:

(a) The number of projects managed by each manager compared to previous biennia;

(b) Projects that were not completed on schedule and the reasons for the delays; and

(c) The number and cost of the change orders and the reason for each change order.

(3) At least twice per year, the department shall convene a group of private sector architects, contractors, and state agency facilities personnel to share, at a minimum, information on high performance methods, ideas, operating and maintenance issues, and cost. The facilities personnel must be from the community and technical colleges, the four-year institutions of higher education, and any other state agencies that have recently completed a new building or are currently in the construction phase.

(4) The final buy clean Washington pilot report required in section 1030, chapter 298, Laws of 2018, must be provided by June 30, 2021.

Appropriation:

State Building Construction Account—State \$14,000,000

Thurston County Capital Facilities Account—State \$4,000,000

Subtotal Appropriation \$18,000,000

Prior Biennia (Expenditures) \$14,000,000

Future Biennia (Projected Costs) \$62,454,000

TOTAL \$94,454,000

NEW SECTION. Sec. 1081. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Childcare Center (40000030)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for designing and constructing a new child care center at the IBM site on the capitol campus. The new child care center shall have a minimum of seventy-five to one hundred slots for children.

Appropriation:

State Building Construction Account—State \$7,023,000

Capitol Building Construction Account—State \$3,000,000

Subtotal Appropriation \$10,023,000

Prior Biennia (Expenditures) \$250,000

Future Biennia (Projected Costs) \$0

TOTAL \$10,273,000

NEW SECTION. Sec. 1082. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Roof Replacement - Cherberg and Insurance Buildings (40000032)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for roof replacement of the Cherberg building and the insurance building.

(2) Roof replacement and construction for the Cherberg building must be completed prior to roof replacement and construction for the insurance building.

(3) Architectural and engineering design documents that were worked on in the 2017-2019 biennium for at least the Cherberg building roof must be submitted to the legislative fiscal committees by July 31, 2019.

(4) A schedule for the Cherberg building roof construction must be submitted to the legislative fiscal committees by August 31, 2019.

Reappropriation:	
State Building Construction Account—State	\$2,299,000
Appropriation:	
State Building Construction Account—State	\$1,798,000
Prior Biennia (Expenditures)	\$101,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,198,000

NEW SECTION. Sec. 1083. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Exterior Preservation Cleaning (40000033)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for exterior preservation cleaning and repair of the legislative building.

- (2) Repair work must be completed on at least the:
 - (a) Stonework and tuck pointing;
 - (b) Plaza skylights;
 - (c) Replacement of the balustrade on the plaza level;
 - (d) Skylight over the north vestibule;
 - (e) Failed drain at the north vestibule;
 - (f) Colonnade windows;
 - (g) Bronze doors, to include restoration;
 - (h) Metal roofing repairs and waterproofing;
 - (i) Minor roof repairs and waterproofing; and
 - (j) Interior finishes due to water damage.

Reappropriation:	
State Building Construction Account—State	\$1,947,000
Prior Biennia (Expenditures)	\$1,453,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,400,000

NEW SECTION. Sec. 1084. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

2019-21 Statewide Minor Works - Preservation Projects (40000082)

Appropriation:	
Capitol Building Construction Account—State	\$108,000
Enterprise Services Account—State	\$731,000
State Building Construction Account—State	\$846,000
Thurston County Capital Facilities Account—State	\$665,000
Subtotal Appropriation	\$2,350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,864,000
TOTAL	\$13,214,000

NEW SECTION. Sec. 1085. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

2019-21 Statewide Minor Works - Programmatic Projects (40000141)

Appropriation:	
State Building Construction Account—State	\$496,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,289,000
TOTAL	\$4,785,000

NEW SECTION. Sec. 1086. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus-Wide Electrical Service Panels - Arc Flash Study (40000151)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for a campus-wide ARC flash hazard analysis study to assess safety risks and improve worker safety.

(2) Funding must be used to at least conduct a full on-site evaluation, evaluate the need for specialized personal protective equipment requirements, identify electrical repairs from the electrical service entry panels to the subpanels for code and safety compliance, and identify panel labeling deficiencies and solutions, fiscal costs, and recommendations to resolve safety risks.

(3) The department must submit a preliminary status report to the legislative fiscal committees by December 31, 2019, on at least:

- (a) The estimated duration of the study, and when it will begin and end;
- (b) How many staff will be trained, and by when; and
- (c) How much the personal protective equipment costs per person that was identified as necessary, and how many staff need this equipment.

(4) The study is due to the legislative fiscal committees by November 30, 2020.

Appropriation:	
Thurston County Capital Facilities Account—State	\$740,000
State Building Construction Account—State	\$260,000
Subtotal Appropriation	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1087. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

SEEP: EVSE at State Facilities (40000161)

Appropriation:	
Thurston County Capital Facilities Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 1088. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Conservatory Demolition (91000442)

Reappropriation:	
Thurston County Capital Facilities Account—State	\$579,000
Prior Biennia (Expenditures)	\$71,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000

NEW SECTION. Sec. 1089. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capital Campus Utility Renewal Plan (92000012)

Reappropriation:	
State Building Construction Account—State	\$516,000
Prior Biennia (Expenditures)	\$1,820,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,336,000

NEW SECTION. Sec. 1090. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Newhouse Replacement (92000020)

Reappropriation:	
State Building Construction Account—State	\$256,000

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Prior Biennia (Expenditures)	\$194,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 1091. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Cleaning (92000028)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for exterior preservation cleaning and repair of one of the legislative buildings listed in subsection (3) of this section each biennium.

(2) Repair work must be completed on at least the:

- (a) Stonework;
- (b) Tuck pointing;
- (c) Skylights;
- (d) Windows;
- (e) Minor roof repairs and waterproofing; and
- (f) Interior finishes due to water damage.

(3) The legislative buildings referenced in subsection (1) of this section include only:

- (a) The legislative building;
- (b) The temple of justice;
- (c) The John A. Cherberg building;
- (d) The John L. O'Brien building;
- (e) The insurance building;
- (f) The Irv Newhouse building; and
- (g) The Pritchard building.

(4) The funding provided in the 2019-2021 biennium must be used for the insurance building.

Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$7,500,000

NEW SECTION. Sec. 1092. FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Insurance Commissioner Office Building Predesign (92000029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign study to determine space needs and cost estimates to construct a building on the capitol campus to house the office of the insurance commissioner.

(1) In determining the program space required, the predesign must consider:

(a) The necessary program space required to support the office of the insurance commissioner, to include detail on current space usage by facility compared to proposed space usage; and

(b) Parking impacts of new office space construction.

(2) The study must consider, at a minimum:

(a) The potential to fund design and construction of the building from sources other than state general obligation bonds;

(b) The financial cost analysis of current facility leases compared to the cost of a financial contract for the new building, to include operating budget cost impacts by fund source by fiscal year; and

(c) The following opportunity sites for the building, detailed in the 2017 state capitol development site study:

- (i) Site 1, the general administration building;
- (ii) Site 12, the professional arts building;
- (iii) Site 7, the old IBM building; and
- (iv) Site 6B, the visitor center;

(3) The building must be a:

(a) High performance building and meet net-zero-ready standards, with an energy use intensity of no greater than thirty-five;

(b) Building construction that must be procured using a performance-based method such as design-build and must include an energy performance guarantee comparing actual performance data with the energy design target; and

(c) Design that includes cross-laminated timber products.

(4) The predesign study must result in:

(a) A preliminary report being submitted to the fiscal committees of the legislature by February 28, 2020; and

(b) A final report being submitted to the fiscal committees of the legislature by June 30, 2020.

Appropriation:

Insurance Commissioners Regulatory Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 1093. FOR THE MILITARY DEPARTMENT

King County Area Readiness Center (30000592)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to acquire land in King county for a readiness center. If the department has not signed a purchase and sale agreement by June 30, 2021, the amounts provided in this section shall lapse.

Appropriation:

State Building Construction Account—State	\$6,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$83,900,000
TOTAL	\$90,500,000

NEW SECTION. Sec. 1094. FOR THE MILITARY DEPARTMENT

Thurston County Readiness Center (30000594)

Reappropriation:

General Fund—Federal	\$28,881,000
Military Department Capital Account—State	\$427,000
State Building Construction Account—State	\$7,978,000
Subtotal Reappropriation	\$37,286,000
Prior Biennia (Expenditures)	\$10,666,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$47,952,000

NEW SECTION. Sec. 1095. FOR THE MILITARY DEPARTMENT

Tri-Cities Readiness Center (30000808)

Reappropriation:

General Fund—Federal	\$499,000
Appropriation:	
General Fund—Federal	\$11,400,000
State Building Construction Account—State	\$3,800,000
Subtotal Appropriation	\$15,200,000
Prior Biennia (Expenditures)	\$2,201,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,900,000

NEW SECTION. Sec. 1096. FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2017-19 Biennium (30000811)

Reappropriation:

General Fund—Federal	\$2,071,000
Military Department Capital Account—State	\$51,000
State Building Construction Account—State	\$1,385,000

Subtotal Reappropriation	\$3,507,000
Prior Biennia (Expenditures)	\$2,298,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,805,000

NEW SECTION. Sec. 1097. FOR THE MILITARY

DEPARTMENT

Minor Works Program 2017-19 Biennium (30000812)	
Reappropriation:	
General Fund—Federal	\$20,395,000
Military Department Capital Account—State	\$75,000
State Building Construction Account—State	\$1,814,000
Subtotal Reappropriation	\$22,284,000
Prior Biennia (Expenditures)	\$2,413,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,697,000

NEW SECTION. Sec. 1098. FOR THE MILITARY

DEPARTMENT

Centralia Readiness Center (30000818)	
Reappropriation:	
General Fund—Federal	\$2,289,000
State Building Construction Account—State	\$2,287,000
Subtotal Reappropriation	\$4,576,000
Appropriation:	
General Fund—Federal	\$2,000,000
Prior Biennia (Expenditures)	\$174,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,750,000

NEW SECTION. Sec. 1099. FOR THE MILITARY

DEPARTMENT

Kent Readiness Center (30000917)	
Appropriation:	
General Fund—Federal	\$4,150,000
State Building Construction Account—State	\$380,000
Subtotal Appropriation	\$4,530,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,530,000

NEW SECTION. Sec. 1100. FOR THE MILITARY

DEPARTMENT

Anacortes Readiness Center Major Renovation (40000004)

The appropriations in this section are subject to the following conditions and limitations: \$150,000 is provided solely for a redesign.

Appropriation:	
Military Department Capital Account—State	\$75,000
State Building Construction Account—State	\$75,000
Subtotal Appropriation	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000

NEW SECTION. Sec. 1101. FOR THE MILITARY

DEPARTMENT

Minor Works Preservation 2019-21 Biennium (40000036)	
Appropriation:	
General Fund—Federal	\$5,224,000
State Building Construction Account—State	\$2,756,000
Subtotal Appropriation	\$7,980,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,980,000

NEW SECTION. Sec. 1102. FOR THE MILITARY

DEPARTMENT

Minor Works Program 2019-21 Biennium (40000037)	
Appropriation:	
General Fund—Federal	\$21,630,000
Military Department Capital Account—State	\$109,000
State Building Construction Account—State	\$2,259,000
Subtotal Appropriation	\$23,998,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,998,000

NEW SECTION. Sec. 1103. FOR THE MILITARY

DEPARTMENT

Camp Murray Soldiers Memorial Park (40000062)	
Appropriation:	
Military Department Capital Account—State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000

NEW SECTION. Sec. 1104. FOR THE MILITARY

DEPARTMENT

Stryker Canopies Kent Site (40000073)	
Appropriation:	
General Fund—Federal	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 1105. FOR THE MILITARY

DEPARTMENT

Stryker Canopies Bremerton Site (40000077)	
Appropriation:	
General Fund—Federal	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 1106. FOR THE MILITARY

DEPARTMENT

Montesano Field Maintenance Shop (FMS) Addition (40000095)	
Appropriation:	
General Fund—Federal	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 1107. FOR THE MILITARY

DEPARTMENT

Joint Base Lewis-McChord (JBLM) 3106 Helicopter Port (40000100)	
Appropriation:	
General Fund—Federal	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1108. FOR THE MILITARY

DEPARTMENT

Air Support Operations Group (ASOG) Complex (40000163)	
Appropriation:	
General Fund—Federal	\$4,766,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$27,622,000
TOTAL	\$32,388,000

NEW SECTION. Sec. 1109. FOR THE MILITARY

DEPARTMENT

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Mission Support Group/Logistics/Communications (MSG-Comm)Facility (40000167)

Appropriation:

General Fund—Federal	\$2,114,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$31,284,000
TOTAL	\$33,398,000

NEW SECTION. Sec. 1110. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Historic Cemetery Grant Program (30000021)

Reappropriation:

State Building Construction Account—State	\$444,000
Prior Biennia (Expenditures)	\$56,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 1111. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Rehabilitation of Beverly Bridge (30000022)

The appropriation in this section is subject to the following conditions and limitations:

(1) Upon the completion of the rehabilitation of the Beverly bridge, the state parks and recreation commission, the department of natural resources, and the department of archaeology and historic preservation must enter into a memorandum of agreement which includes, but is not limited to: (a) A requirement for the payment of fees for conveyance of electrical utilities across the bridge; (b) certification of the safety for vehicular use of the bridge; (c) use of the bridge by motorized emergency vehicles; (d) a plan for authorization of motorized use of the bridge by workers of orchards within a one mile radius of the bridge; and (e) a traffic management system to avoid conflicts among recreational users of the trail and permitted vehicular use.

(2) The department of archaeology and historic preservation must work with the state parks and recreation commission to ensure that archaeological and cultural resources are protected during rehabilitation and future use of the bridge, and may use fencing to restrict access to culturally sensitive areas.

Appropriation:

General Fund—Private/Local	\$429,000
State Building Construction Account—State	\$5,146,000
Subtotal Appropriation	\$5,575,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,575,000

NEW SECTION. Sec. 1112. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
2019-21 Historic County Courthouse Grants Program (30000023)

The appropriation in this section is provided solely for the following list of projects:

Columbia	\$122,000
Benton	\$34,000
Lewis	\$120,000
Klickitat	\$304,000
Clark	\$39,000
Jefferson	\$300,000
Spokane	\$200,000
Appropriation:	
State Building Construction Account—State	\$1,119,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,600,000
TOTAL	\$6,719,000

NEW SECTION. Sec. 1113. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
2019-21 Heritage Barn Preservation Program (30000024)

Appropriation:

State Building Construction Account—State	\$515,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,060,000
TOTAL	\$2,575,000

NEW SECTION. Sec. 1114. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
2019-21 Historic Cemetery Grant Program (40000001)

Appropriation:

State Building Construction Account—State	\$515,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,060,000
TOTAL	\$2,575,000

NEW SECTION. Sec. 1115. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Ebey's National Historic Reserve (40000003)

The appropriation in this section is subject to the following conditions and limitations: The department must prioritize public facilities projects that provide the greatest public benefit by preserving properties that are historically significant and serve the greatest number of people.

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1116. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Heritage Barn Preservation Program 2017-19 (92000010)

Reappropriation:

State Building Construction Account—State	\$515,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$515,000

NEW SECTION. Sec. 1117. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Historic County Courthouse Grants Program 2017-19 (92000011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1057, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$1,116,000
Prior Biennia (Expenditures)	\$21,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,137,000

**PART 2
HUMAN SERVICES**

NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION
Omnibus Minor Works (40000003)

Appropriation:

State Building Construction Account—State	\$470,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$470,000

NEW SECTION. Sec. 2002. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

L&I HQ Elevators (30000018)	
Reappropriation:	
Accident Account—State	\$342,000
Medical Aid Account—State	\$342,000
Subtotal Reappropriation	\$684,000
Appropriation:	
Accident Account—State	\$1,450,000
Medical Aid Account—State	\$1,450,000
Subtotal Appropriation	\$2,900,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,934,000

NEW SECTION. Sec. 2003. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Cooling System Replacement (30000019)	
Appropriation:	
Accident Account—State	\$1,283,000
Medical Aid Account—State	\$1,283,000
Subtotal Appropriation	\$2,566,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,566,000

NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Minor Works Preservation Projects (30000035)	
Appropriation:	
Accident Account—State	\$1,244,000
Medical Aid Account—State	\$1,239,000
Subtotal Appropriation	\$2,483,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,558,000
TOTAL	\$11,041,000

NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Modernize Lab and Training Facility (30000043)
 The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for design and construction of a new lab and training facility.
- (2) The new facility must be shared between the department of labor and industries and the department of agriculture.
- (3) The facility must be at least 53,000 gross square feet.
- (4) The new facility must include labs for both the department of labor and industries and the department of agriculture.

Appropriation:	
Accident Account—State	\$45,223,000
Medical Aid Account—State	\$7,980,000
Subtotal Appropriation	\$53,203,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$53,203,000

NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital New Kitchen and Commissary Building (20081319)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2003, chapter 2, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$18,000,000
Prior Biennia (Expenditures)	\$12,190,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,190,000

NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center: Kitchen & Dining Room Upgrades (20081506)

Reappropriation:	
State Building Construction Account—State	\$950,000
Prior Biennia (Expenditures)	\$50,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School-Back-Up Power & Electrical Feeders (30000415)

Reappropriation:	
State Building Construction Account—State	\$3,700,000
Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,200,000

NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: New Boiler Plant (30000468)

Reappropriation:	
State Building Construction Account—State	\$387,000
Appropriation:	
State Building Construction Account—State	\$12,764,000
Prior Biennia (Expenditures)	\$178,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,329,000

NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide (30001859)

Reappropriation:	
State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures)	\$855,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,455,000

NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide (30002235)

Reappropriation:	
State Building Construction Account—State	\$10,494,000
Prior Biennia (Expenditures)	\$16,191,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,685,000

NEW SECTION. Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village: Code Required Campus Infrastructure Upgrades (30002238)

Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	
	\$2,425,000
State Building Construction Account—State	\$2,339,000
Subtotal Reappropriation	\$4,764,000
Appropriation:	
State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$236,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-South Hall: Building Systems Replacement (30002735)

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Reappropriation:
Charitable, Educational, Penal, and Reformatory

Institutions Account—State	\$2,294,000
Prior Biennia (Expenditures)	\$2,156,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,450,000

NEW SECTION. Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Reappropriation:

State Building Construction Account—State	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,400,000

NEW SECTION. Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Forensic Services: Two Wards Addition (30002765)

Reappropriation:

State Building Construction Account—State	\$329,000
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Appropriation:

State Building Construction Account—State	\$28,700,000
Prior Biennia (Expenditures)	\$1,471,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,500,000

NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island-Infrastructure: Repairs & Upgrades (30003211)

Appropriation:

State Building Construction Account—State	\$1,270,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,270,000

NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DOC/DSHS McNeil Island-Infrastructure: Water System Replacement (30003213)

Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$508,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,508,000

NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-East Campus: Wards Preservation & Renewal (30003241)

Reappropriation:

State Building Construction Account—State	\$1,050,000
Prior Biennia (Expenditures)	\$550,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-East Campus: Building Systems Replacement (30003244)

Reappropriation:

State Building Construction Account—State	\$2,488,000
Prior Biennia (Expenditures)	\$912,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,400,000

NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: CLIP Capacity (30003324)

Reappropriation:

State Building Construction Account—State	\$11,700,000
Prior Biennia (Expenditures)	\$1,244,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,944,000

NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center-King County SCTF: Expansion (30003564)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2010, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$2,550,000
Prior Biennia (Expenditures)	\$60,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,610,000

NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

State Psychiatric Hospitals: Compliance with Federal Requirements (30003569)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2015, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$1,650,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Master Plan Update (30003571)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2016, chapter 2, Laws of 2018.

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$200,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Yakima Valley School-Multiple Buildings: Safety Improvements (30003573)

Reappropriation:

State Building Construction Account—State	\$350,000
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Appropriation:

State Building Construction Account—State	\$1,375,000
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,875,000

NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center-Community Facilities: New Capacity (30003577)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2027, chapter 2, Laws of 2018.

Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$399,000
Prior Biennia (Expenditures)	\$101,000
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$16,500,000

NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-East Campus: New Security Fence (30003578)

Reappropriation:	
State Building Construction Account—State	\$1,600,000
Prior Biennia (Expenditures)	\$120,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,720,000

NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Fire Suppression (30003579)

Reappropriation:	
State Building Construction Account—State	\$950,000
Prior Biennia (Expenditures)	\$50,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Elevator Modernization (30003582)

Appropriation:	
State Building Construction Account—State	\$5,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,275,000
TOTAL	\$6,375,000

NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Windows Security (30003585)

Reappropriation:	
State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$50,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,550,000

NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Campus Master Plan & Rezone (30003601)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2012, chapter 298, Laws of 2018.

Reappropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$143,000
Prior Biennia (Expenditures)	\$57,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 2031. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Forensic Services: Roofing Replacement (30003603)

Reappropriation:	
State Building Construction Account—State	\$955,000
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0

TOTAL \$1,955,000

NEW SECTION. Sec. 2032. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Emergency Electrical System: Upgrades (30003616)

Reappropriation:	
State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 4, Laws of 2017, 3rd sp. sess.

Reappropriation:	
State Building Construction Account—State	\$3,616,000
Prior Biennia (Expenditures)	\$5,284,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,900,000

NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Building 28: Treatment & Recovery Center (40000024)

Reappropriation:	
State Building Construction Account—State	\$467,000
Prior Biennia (Expenditures)	\$133,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000

NEW SECTION. Sec. 2035. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Wards Renovations for Forensic Services (40000026)

Reappropriation:	
State Building Construction Account—State	\$10,246,000
Prior Biennia (Expenditures)	\$314,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,560,000

NEW SECTION. Sec. 2036. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Renovations for Treatment Recovery Center (40000029)

Reappropriation:	
State Building Construction Account—State	\$277,000
Prior Biennia (Expenditures)	\$123,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide 2019-21 (40000381)

Appropriation:	
Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$1,665,000
State Building Construction Account—State	\$11,015,000
Subtotal Appropriation	\$12,680,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$159,345,000
TOTAL	\$172,025,000

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NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Program Projects: Statewide 2019-21 (40000382)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$955,000
State Building Construction Account—State	\$965,000
Subtotal Appropriation	\$1,920,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$25,920,000

NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DSHS & DCYF Fire Alarms (91000066)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for projects installing fire alarms at the following locations: (a) Fircrest School; (b) Lakeland Village; (c) Western State Hospital; (d) Rainier School; and (e) Echo Glen. The Echo Glen project may include duress alarms. The projects listed in this section must be designed under one contract, and installed under one contract. The department must consult with the department of children, youth, and families to prioritize the projects.

(2) When the bid is received, the department must report to the appropriate legislative committees the overall bid for the projects.

(3) The department must report to the appropriate legislative committees any best practices on the process by December 31, 2019.

Appropriation:

State Building Construction Account—State	\$11,819,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,819,000

NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: New Forensic Hospital (91000067)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for a predesign for a new forensic hospital on the existing campus. The appropriation provided may be used for predesign and siting costs.

(2)(a) The predesign must consider between two hundred fifty and three hundred fifty forensic beds.

(b) In order to determine the needed capacity at the new forensic hospital, the department must take into consideration the projected forensic demand and statewide capacity. The capacity must account for the continued use of buildings 27, 28, and 29 for forensic patients and civil patients with complex behavioral needs and prior forensic involvement, as well as the capacity at eastern state hospital. To determine the necessary capacity for the new forensic hospital, the predesign must plan the space for forensic admissions and restoration purposes.

(3) The department must submit the predesign to the appropriate legislative committees by September 1, 2020.

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$257,500,000
TOTAL	\$258,500,000

NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Elevators (91000068)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$2,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,700,000

NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital-Multiple Buildings: Fire Doors Replacement (40000392)

Appropriation:

State Building Construction Account—State	\$5,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,100,000

NEW SECTION. Sec. 2043. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Eastlake & Westlake: Fire & Smoke Controls (40000404)

Appropriation:

State Building Construction Account—State	\$2,050,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,050,000

NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake: Fire Stops (40000405)

Appropriation:

State Building Construction Account—State	\$2,130,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,130,000

NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center-Fire House: Electrical Upgrades (40000422)

Appropriation:

State Building Construction Account—State	\$1,535,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,535,000

NEW SECTION. Sec. 2046. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-EL & WL: HVAC Compliance & Monitoring (40000492)

Appropriation:

State Building Construction Account—State	\$1,915,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,915,000

NEW SECTION. Sec. 2047. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

ESH and WSH-All Wards: Patient Safety Improvements (91000019)

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$2,900,000
Appropriation:	
State Building Construction Account—State	\$8,800,000
Prior Biennia (Expenditures)	\$6,969,000
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$38,669,000

NEW SECTION. Sec. 2048. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Forensic Ward (91000050)
 Reappropriation:
 State Building Construction Account—State \$2,500,000
 Prior Biennia (Expenditures) \$500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,000,000

NEW SECTION. Sec. 2049. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Additional Forensic Ward (91000062)
 Reappropriation:
 State Building Construction Account—State \$3,000,000
 Prior Biennia (Expenditures) \$500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,500,000

NEW SECTION. Sec. 2050. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital & CSTC Power Upgrade (91000070)
 Appropriation:
 State Building Construction Account—State \$2,300,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,300,000

NEW SECTION. Sec. 2051. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

BH: State Owned, Mixed Use Community Civil 48-Bed Capacity (91000074)

Appropriation:
 State Building Construction Account—State \$350,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$350,000

NEW SECTION. Sec. 2052. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

BH: State Operated Community Civil 16-Bed Capacity (91000075)

Appropriation:
 State Building Construction Account—State \$5,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$15,190,000
 TOTAL \$20,190,000

NEW SECTION. Sec. 2053. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Flooring (91000076)
 Appropriation:
 State Building Construction Account—State \$400,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$400,000

NEW SECTION. Sec. 2054. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

BH: State Owned, Mixed Use Community Civil 48-Bed Capacity (91000077)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for predesign, design, siting, site work, and preliminary construction for a new forty-eight bed behavioral health facility that is not subject to federal funding restrictions that apply to institutions of mental diseases.
- (2) The facility must be provided as follows: At least forty-eight beds, of which sixteen beds are for a state-operated civil

commitment program and the remaining beds for private providers for community behavioral health services, including long-term civil commitments.

(3) The department must submit a preliminary predesign to the appropriate legislative committees by December 31, 2019.

Appropriation:
 State Building Construction Account—State \$20,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$30,500,000
 TOTAL \$50,500,000

NEW SECTION. Sec. 2055. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School-Pats E,C Cottage Cooling Upgrades (91000078)

Appropriation:
 State Building Construction Account—State \$8,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,000,000

NEW SECTION. Sec. 2056. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital Treatment & Recovery Center (91000080)

Appropriation:
 State Building Construction Account—State \$8,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$6,000,000
 TOTAL \$14,000,000

NEW SECTION. Sec. 2057. FOR THE DEPARTMENT OF HEALTH

Newborn Screening Wing Addition (30000301)

Reappropriation:
 State Building Construction Account—State \$2,805,000
 Prior Biennia (Expenditures) \$2,829,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,634,000

NEW SECTION. Sec. 2058. FOR THE DEPARTMENT OF HEALTH

Drinking Water Preconstruction Loans (30000334)

Reappropriation:
 Drinking Water Assistance Account—State \$5,450,000
 Prior Biennia (Expenditures) \$550,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,000,000

NEW SECTION. Sec. 2059. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (30000336)

Reappropriation:
 Drinking Water Assistance Account—Federal \$125,000
 Prior Biennia (Expenditures) \$31,875,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$32,000,000

NEW SECTION. Sec. 2060. FOR THE DEPARTMENT OF HEALTH

Public Health Lab South Laboratory Addition (30000379)

Appropriation:
 State Building Construction Account—State \$196,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$27,229,000
 TOTAL \$27,425,000

NEW SECTION. Sec. 2061. FOR THE DEPARTMENT OF HEALTH

New Central Boiler Plant (30000381)

Appropriation:

State Building Construction Account—State	\$558,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,065,000
TOTAL	\$7,623,000

NEW SECTION. Sec. 2062. FOR THE DEPARTMENT OF HEALTH

Drinking Water Construction Loans (30000409)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2034, chapter 2, Laws of 2018.

Reappropriation:

Drinking Water Assistance Account—State	\$55,000,000
Prior Biennia (Expenditures)	\$63,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$118,000,000

NEW SECTION. Sec. 2063. FOR THE DEPARTMENT OF HEALTH

Drinking Water System Repairs and Consolidation (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2035, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 2064. FOR THE DEPARTMENT OF HEALTH

Othello Water Supply and Storage (40000008)

Reappropriation:

State Building Construction Account—State	\$1,550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,550,000

NEW SECTION. Sec. 2065. FOR THE DEPARTMENT OF HEALTH

Minor Works - Preservation (40000011)

Appropriation:

State Building Construction Account—State	\$279,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$279,000

NEW SECTION. Sec. 2066. FOR THE DEPARTMENT OF HEALTH

Minor Works - Program (40000012)

Appropriation:

State Building Construction Account—State	\$417,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$417,000

NEW SECTION. Sec. 2067. FOR THE DEPARTMENT OF HEALTH

2019-21 Drinking Water Assistance Program (40000025)

Appropriation:

Drinking Water Assistance Account—Federal	\$35,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$128,000,000
TOTAL	\$163,000,000

NEW SECTION. Sec. 2068. FOR THE DEPARTMENT OF HEALTH

2019-21 Drinking Water System Repairs and Consolidation (40000027)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to well-managed, publicly-owned group A water utilities for the repair and consolidation of group A and B water systems under the following conditions:

(1) A grant may be provided when a water system has been voluntarily transferred to a publicly owned water utility within the last three years. The grant may be used for repair and consolidation costs.

(2) The grant applicant must provide the department of health with an accounting of rehabilitation costs and the value of the system. The grant must be used primarily to cover project design and construction costs, and only in limited cases to cover the cost of system acquisitions, as determined by the department of health in evaluating grant applications.

(3) Grants must primarily be used to cover project construction costs that customers benefiting from the project cannot afford to repay through loans, as determined by the department of health and the publicly owned utility receiving the grant to complete the project.

(4) Applicants must provide a plan demonstrating that project completion will occur within three years of the grant contract execution.

(5) Each grant must be less than twenty-five percent of the total appropriation.

(6) The primary purpose of this appropriation is to fund water system repair and consolidation construction costs. However, the department may use up to \$75,000 under this section for grants for feasibility review of water system repair and consolidation projects that would meet the objectives of this section and RCW 70.119A.190.

Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$41,500,000

NEW SECTION. Sec. 2069. FOR THE DEPARTMENT OF HEALTH

2019-21 Drinking Water Construction Loans - State Match (40000029)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department of health must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture rural development.

Appropriation:

Drinking Water Assistance Account—State	\$11,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$51,000,000

NEW SECTION. Sec. 2070. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program 2017-19 (92000025)	
Reappropriation:	
Drinking Water Assistance Account—Federal	\$32,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,000,000

NEW SECTION. Sec. 2071. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Washington Veterans Home: Bldg 6 & 7 Demo and Grounds Improvement (30000002)

Appropriation:	
State Building Construction Account—State	\$3,335,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,335,000

NEW SECTION. Sec. 2072. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works Facilities Preservation (30000094)

Reappropriation:	
State Building Construction Account—State	\$570,000
Appropriation:	
State Building Construction Account—State	\$2,025,000
Prior Biennia (Expenditures)	\$2,743,000
Future Biennia (Projected Costs)	\$11,445,000
TOTAL	\$16,783,000

NEW SECTION. Sec. 2073. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works Program (30000131)

Appropriation:	
State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$670,000
Future Biennia (Projected Costs)	\$6,380,000
TOTAL	\$7,550,000

NEW SECTION. Sec. 2074. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSVC - Additional Internment Vaults and Roadway (30000215)

Reappropriation:	
General Fund—Federal	\$2,700,000
State Building Construction Account—State	\$300,000
Subtotal Reappropriation	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 2075. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 10 (40000004)

Reappropriation:	
State Building Construction Account—State	\$625,000
Prior Biennia (Expenditures)	\$125,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2076. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WVH HVAC Retrofit (40000006)

Appropriation:	
State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2077. FOR THE DEPARTMENT OF VETERANS AFFAIRS

WSH Cemetery Road Realignment (91000012)

Appropriation:	
State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 2078. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Echo Glen-Housing Unit: Acute Mental Health Unit (30002736)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:	
State Building Construction Account—State	\$9,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,600,000

NEW SECTION. Sec. 2079. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Statewide-RA Community Facilities: Safety & Security Improvements (30002737)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:	
State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 2080. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill School-Recreation Building: Replacement (30003237)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:	
State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 2081. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Echo Glen Children's Center: Academic School (30003242)

Appropriation:	
State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0

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Future Biennia (Projected Costs)	\$37,976,000
TOTAL	\$38,176,000

NEW SECTION. Sec. 2082. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Green Hill School-Campus: Security & Surveillance Upgrades (30003580)

The appropriation in this section is subject to the following conditions and limitations: This project was formerly administered by the department of social and health services. Due to the transfer of the juvenile rehabilitation program from the department of social and health services to the department of children, youth, and families on July 1, 2019, the administration of this project shall also transfer to the department of children, youth, and families on that date.

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 2083. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Minor Works Preservation Projects: Statewide 2019-21 (40000400)

Appropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$54,110,000
TOTAL	\$57,110,000

NEW SECTION. Sec. 2084. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Implementation of JRA Capacity (91000062)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign for Echo Glen, a predesign for Green Hill, and a comprehensive strategic capital master plan. If Engrossed Second Substitute House Bill No. 1646 is not enacted by June 30, 2019, the appropriation in this section shall lapse.

Appropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2085. FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Benton-Franklin Juvenile Justice Center At-Risk Youth Services (92000033)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the final design and construction of an at-risk youth services center in Kennewick, Washington. The department must contract with Benton and Franklin counties to carry out this project.

Appropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2086. FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Boiler Replacement (30000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2025, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$830,000
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Appropriation:

State Building Construction Account—State	\$9,718,000
Prior Biennia (Expenditures)	\$170,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,718,000

NEW SECTION. Sec. 2087. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Transformers and Switches (30000143)

Reappropriation:

State Building Construction Account—State	\$3,300,000
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Appropriation:

State Building Construction Account—State	\$16,435,000
Prior Biennia (Expenditures)	\$850,000
Future Biennia (Projected Costs)	\$22,685,000
TOTAL	\$43,270,000

NEW SECTION. Sec. 2088. FOR THE DEPARTMENT OF CORRECTIONS

WCC: Replace Roofs (30000654)

Reappropriation:

State Building Construction Account—State	\$675,000
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Appropriation:

State Building Construction Account—State	\$4,540,000
Prior Biennia (Expenditures)	\$1,595,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,810,000

NEW SECTION. Sec. 2089. FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Replace Fire Alarm System (30000748)

Reappropriation:

State Building Construction Account—State	\$180,000
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Appropriation:

State Building Construction Account—State	\$5,284,000
Prior Biennia (Expenditures)	\$175,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,639,000

NEW SECTION. Sec. 2090. FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Security Video System (30000800)

Reappropriation:

State Building Construction Account—State	\$2,300,000
Prior Biennia (Expenditures)	\$3,738,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,038,000

NEW SECTION. Sec. 2091. FOR THE DEPARTMENT OF CORRECTIONS

WCCW: Bldg E Roof Replacement (30000810)

Reappropriation:

State Building Construction Account—State	\$1,674,000
Prior Biennia (Expenditures)	\$1,022,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,696,000

NEW SECTION. Sec. 2092. FOR THE DEPARTMENT OF CORRECTIONS

MCC: Security Video Camera Installation (30001066)

Appropriation:
Charitable, Educational, Penal, and Reformatory

Institutions Account—State	\$1,000,000
State Building Construction Account—State	\$4,500,000
Subtotal Appropriation	\$5,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,500,000
TOTAL	\$11,000,000

NEW SECTION. Sec. 2093. FOR THE DEPARTMENT OF CORRECTIONS

WSP: Program and Support Building (30001101)
 Reappropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$10,085,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,585,000

NEW SECTION. Sec. 2094. FOR THE DEPARTMENT OF CORRECTIONS

Prison Capacity Expansion (30001105)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2059, chapter 3, Laws of 2015 3rd sp. sess.
 Reappropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$4,400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,800,000

NEW SECTION. Sec. 2095. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Preservation Projects (30001114)
 Reappropriation:

State Building Construction Account—State	\$900,000
Prior Biennia (Expenditures)	\$10,009,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,909,000

NEW SECTION. Sec. 2096. FOR THE DEPARTMENT OF CORRECTIONS

MCC ADA Compliance Retrofit (30001118)
 Reappropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2097. FOR THE DEPARTMENT OF CORRECTIONS

SW IMU Recreation Yard Improvement (30001123)
 Reappropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 2098. FOR THE DEPARTMENT OF CORRECTIONS

CRCC Security Electronics Network Renovation (30001124)
 Reappropriation:

State Building Construction Account—State	\$5,900,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 2099. FOR THE DEPARTMENT OF CORRECTIONS

MLCC: 128 Bed Minimum Camp (30001168)
 The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 2053, chapter 2, Laws of 2018.

(2) These funds are reappropriated for the renovation of Maple Lane corrections center for use as a 128-bed minimum facility for women offenders. The renovation and subsequent use shall occur subject only to reasonable local permitting and mitigation requirements, and shall not be subject to any further siting or use process.

Reappropriation:
 Charitable, Educational, Penal, and Reformatory

Institutions Account—State	\$1,780,000
State Building Construction Account—State	\$1,900,000
Subtotal Reappropriation	\$3,680,000
Prior Biennia (Expenditures)	\$661,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,341,000

NEW SECTION. Sec. 2100. FOR THE DEPARTMENT OF CORRECTIONS

WCC: Reclaimed Water Line (40000058)
 Appropriation:

State Building Construction Account—State	\$1,987,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,987,000

NEW SECTION. Sec. 2101. FOR THE DEPARTMENT OF CORRECTIONS

AHCC: Reclaimed Water (40000059)
 Appropriation:

State Building Construction Account—State	\$1,943,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,943,000

NEW SECTION. Sec. 2102. FOR THE DEPARTMENT OF CORRECTIONS

WCCW: Security Fence at MSC for New Medium Capacity (40000173)
 Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 2103. FOR THE DEPARTMENT OF CORRECTIONS

MCC: Sewer System HABU (Highest and Best Use) (40000185)
 The appropriation in this section is subject to the following conditions and limitations: \$800,000 is provided solely for the pumping of biosolids from the sewer lagoon.

Appropriation:

State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 2104. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Preservation Projects (40000187)
 Appropriation:

State Building Construction Account—State	\$11,668,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$73,965,000
TOTAL	\$85,633,000

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NEW SECTION. Sec. 2105. FOR THE DEPARTMENT OF CORRECTIONS

WSP: BAR Unit Door Conversions (91000431)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to implement the settlement agreement in *Disability Rights Washington v. Inslee, et. al.*, U.S. District Court-Western District, Case No. 18-5071, for the portions of the agreement that require modifications to existing booth-controlled cell door mechanisms in one treatment unit in the Washington State Penitentiary. If the settlement agreement is not fully executed and approved by the court before September 1, 2019, the appropriation in this section shall lapse.

Appropriation:

State Building Construction Account—State	\$1,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,250,000

NEW SECTION. Sec. 2106. FOR THE DEPARTMENT OF CORRECTIONS

WSP: Unit Six Roof Replacement (92000037)

Appropriation:

State Building Construction Account—State	\$1,425,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,425,000

NEW SECTION. Sec. 2107. FOR THE DEPARTMENT OF CORRECTIONS

WCCW: AC for MSU (92000039)

Appropriation:

State Building Construction Account—State	\$1,349,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,349,000

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (19742006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)—State	\$295,000
Prior Biennia (Expenditures)	\$15,116,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,411,000

NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY

Low-Level Nuclear Waste Disposal Trench Closure (19972012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3002, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Site Closure Account—State	\$8,505,000
Prior Biennia (Expenditures)	\$6,928,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,433,000

NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY

Twin Lake Aquifer Recharge Project (20042951)

Reappropriation:

State Building Construction Account—State	\$156,000
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Prior Biennia (Expenditures)	\$594,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY

Quad Cities Water Right Mitigation (20052852)

Reappropriation:

State Building Construction Account—State	\$116,000
Prior Biennia (Expenditures)	\$1,484,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,600,000

NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Basin Water Supply Development Program (20062950)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3008, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:

Columbia River Basin Water Supply Development Account—State	\$2,076,000
Prior Biennia (Expenditures)	\$89,424,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$91,500,000

NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY

Transfer of Water Rights for Cabin Owners (20081951)

Reappropriation:

State Building Construction Account—State	\$69,000
Prior Biennia (Expenditures)	\$381,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000028)

Reappropriation:

State Building Construction Account—State	\$275,000
Prior Biennia (Expenditures)	\$5,721,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,996,000

NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3006, chapter 36, Laws of 2010 1st sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$3,813,000
Prior Biennia (Expenditures)	\$71,296,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,109,000

NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000144)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess. and section 3002, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$324,000
Prior Biennia (Expenditures)	\$38,710,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$39,034,000

NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000213)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3030, chapter 49, Laws of 2011 1st sp. sess.

Reappropriation:	
State Building Construction Account—State	\$432,000
Prior Biennia (Expenditures)	\$7,568,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000216)

Appropriation:

Model Toxics Control Capital Account—State	\$19,152,000
Prior Biennia (Expenditures)	\$43,712,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,864,000

NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000265)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3005, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$161,000
Prior Biennia (Expenditures)	\$15,041,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,202,000

NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY

Yakima Basin Integrated Water Management Plan Implementation (30000278)

Reappropriation:

State Building Construction Account—State	\$52,000
Prior Biennia (Expenditures)	\$1,827,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,879,000

NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY

ASARCO - Tacoma Smelter Plume and Mines (30000280)

Reappropriation:

Cleanup Settlement Account—State	\$2,855,000
Prior Biennia (Expenditures)	\$17,792,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,647,000

NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Federal Capital Projects (30000282)

Reappropriation:

General Fund—Federal	\$553,000
Prior Biennia (Expenditures)	\$247,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000326)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3066, chapter 19, Laws of 2013 2nd sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$3,526,000
Prior Biennia (Expenditures)	\$46,474,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY

Coastal Wetlands Federal Funds (30000328)

Reappropriation:

General Fund—Federal	\$5,180,000
Prior Biennia (Expenditures)	\$4,620,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,800,000

NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000331)

Reappropriation:

State Building Construction Account—State	\$2,956,000
Prior Biennia (Expenditures)	\$7,044,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY

Dungeness Water Supply & Mitigation (30000333)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$924,000
Prior Biennia (Expenditures)	\$1,126,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,050,000

NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000334)

The reappropriation in this section is subject to the following conditions and limitations: \$400,000 of the reappropriation is provided solely for the city of Tacoma to reimburse for clean up and remediation of the former Ruston Way tunnel, including costs that occurred prior to June 30, 2019.

Reappropriation:

Cleanup Settlement Account—State	\$2,095,000
Prior Biennia (Expenditures)	\$34,565,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,660,000

NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Federal Capital Projects - Programmatic (30000335)

Reappropriation:

General Fund—Federal	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (30000337)

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The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3007, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$1,940,000
Prior Biennia (Expenditures)	\$23,115,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,055,000

NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000351)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3008, chapter 35, Laws of 2016 sp. sess.

Appropriation:

Model Toxics Control Capital Account—State	\$169,000
Prior Biennia (Expenditures)	\$7,431,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,600,000

NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000372)

Reappropriation:

Columbia River Basin Taxable Bond Water Supply Development Account—State	\$45,000
Columbia River Basin Water Supply Development Account—State	\$514,000
Subtotal Reappropriation	\$559,000
Prior Biennia (Expenditures)	\$73,941,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$74,500,000

NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Supply (30000373)

Reappropriation:

State Building Construction Account—State	\$926,000
Prior Biennia (Expenditures)	\$31,174,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,100,000

NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000374)

Appropriation:

Model Toxics Control Capital Account—State	\$10,710,000
Prior Biennia (Expenditures)	\$51,827,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,537,000

NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000389)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3080, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$23,000
Prior Biennia (Expenditures)	\$3,977,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000427)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3009, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,171,000
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Appropriation:

Model Toxics Control Capital Account—State	\$3,436,000
Prior Biennia (Expenditures)	\$17,893,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,500,000

NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup and Prevention (30000431)

Reappropriation:

Waste Tire Removal Account—State	\$200,000
Prior Biennia (Expenditures)	\$800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY

Eastern Washington Clean Sites Initiative (30000432)

Appropriation:

Model Toxics Control Capital Account—State	\$8,908,000
Prior Biennia (Expenditures)	\$992,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,900,000

NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (30000458)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriations and appropriations are subject to the provisions of section 3011, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$16,967,000
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Appropriation:

Model Toxics Control Capital Account—State	\$15,786,000
Prior Biennia (Expenditures)	\$19,994,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$52,747,000

NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY

Leaking Tank Model Remedies (30000490)

Appropriation:

Model Toxics Control Capital Account—State	\$672,000
Prior Biennia (Expenditures)	\$1,328,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Program (30000534)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3061, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Water Pollution Control Revolving Account—	
Federal	\$18,711,000
Water Pollution Control Revolving Account—State	\$118,465,000
Subtotal Reappropriation	\$137,176,000
Prior Biennia (Expenditures)	\$65,824,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$203,000,000

NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY

Stormwater Financial Assistance Program (30000535)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3012, chapter 35, Laws of 2016 sp. sess.

Appropriation:	
Model Toxics Control Stormwater Account—State	\$27,816,000
Prior Biennia (Expenditures)	\$3,384,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,200,000

NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY

Coastal Wetlands Federal Funds (30000536)

Reappropriation:	
General Fund—Federal	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design (30000537)

Reappropriation:	
State Building Construction Account—State	\$19,149,000
Prior Biennia (Expenditures)	\$16,411,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,560,000

NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000538)

Reappropriation:	
Cleanup Settlement Account—State	\$3,669,000
Prior Biennia (Expenditures)	\$8,477,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,146,000

NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxics Sites - Puget Sound (30000542)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3013, chapter 35, Laws of 2016 sp. sess.

Appropriation:	
Model Toxics Control Capital Account—State	\$7,917,000
Prior Biennia (Expenditures)	\$6,464,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,381,000

NEW SECTION. Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000587)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3067, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:	
State Building Construction Account—State	\$3,286,000
Prior Biennia (Expenditures)	\$714,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000588)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3068, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:	
Columbia River Basin Water Supply Development Account—State	\$1,317,000
Columbia River Basin Water Supply Revenue Recovery Account—State	\$2,082,000
Subtotal Reappropriation	\$3,399,000
Prior Biennia (Expenditures)	\$15,601,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,000,000

NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (30000589)

Reappropriation:	
State Building Construction Account—State	\$1,655,000
Prior Biennia (Expenditures)	\$1,400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,055,000

NEW SECTION. Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Supply (30000590)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3070, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:	
State Building Construction Account—State	\$3,954,000
State Taxable Building Construction Account—State	\$4,079,000
Subtotal Reappropriation	\$8,033,000
Prior Biennia (Expenditures)	\$21,967,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,000,000

NEW SECTION. Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000591)

Reappropriation:	
State Building Construction Account—State	\$2,040,000
Prior Biennia (Expenditures)	\$2,960,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY

ASARCO Cleanup (30000670)

Reappropriation:	
Cleanup Settlement Account—State	\$23,926,000
Prior Biennia (Expenditures)	\$4,834,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,760,000

NEW SECTION. Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY

Reducing Toxic Diesel Emissions (30000671)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3004, chapter 2, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$389,000
Prior Biennia (Expenditures)	\$111,000

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Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$5,877,000

NEW SECTION. Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup and Prevention (30000672)
 Reappropriation:

Waste Tire Removal Account—State	\$655,000
Prior Biennia (Expenditures)	\$345,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY

Swift Creek Natural Asbestos Flood Control and Cleanup (30000708)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 2, Laws of 2018.
 Reappropriation:

State Building Construction Account—State	\$3,000,000
Appropriation:	
State Building Construction Account—State	\$2,400,000
Future Biennia (Projected Costs)	\$10,700,000
Prior Biennia (Expenditures)	\$1,000,000
TOTAL	\$17,100,000

NEW SECTION. Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (30000673)
 Reappropriation:

State Building Construction Account—State	\$3,178,000
Prior Biennia (Expenditures)	\$1,506,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,684,000

NEW SECTION. Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Program (30000710)
 The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3013, chapter 2, Laws of 2018.
 Reappropriation:

Water Pollution Control Revolving Account—Federal	\$50,000,000
Water Pollution Control Revolving Account—State	\$160,000,000
Subtotal Reappropriation	\$210,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$210,000,000

NEW SECTION. Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY

Reducing Toxic Woodstove Emissions (30000674)
 Reappropriation:

State Building Construction Account—State	\$1,528,000
Prior Biennia (Expenditures)	\$472,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Eastern Washington Clean Sites Initiative (30000704)
 Reappropriation:

State Building Construction Account—State	\$2,403,000
Prior Biennia (Expenditures)	\$33,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,436,000

NEW SECTION. Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Supply (30000711)
 Reappropriation:

State Building Construction Account—State	\$15,497,000
Prior Biennia (Expenditures)	\$15,603,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,100,000

NEW SECTION. Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Centennial Clean Water Program (30000705)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3009, chapter 2, Laws of 2018.
 Reappropriation:

State Building Construction Account—State	\$33,976,000
Prior Biennia (Expenditures)	\$1,024,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,000,000

NEW SECTION. Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000712)
 The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3006, chapter 298, Laws of 2018.
 Reappropriation:

Columbia River Basin Water Supply Development Account—State	\$12,203,000
Columbia River Basin Water Supply Revenue Recovery Account—State	\$2,000,000
State Building Construction Account—State	\$19,541,000
Subtotal Reappropriation	\$33,744,000
Prior Biennia (Expenditures)	\$56,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,800,000

NEW SECTION. Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design 2017-19 (30000706)
 Reappropriation:

State Building Construction Account—State	\$35,054,000
Prior Biennia (Expenditures)	\$410,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,464,000

NEW SECTION. Sec. 3057. FOR THE DEPARTMENT OF ECOLOGY

Lacey Headquarters Facility Preservation Projects (30000713)
 Reappropriation:

State Building Construction Account—State	\$601,000
Prior Biennia (Expenditures)	\$34,000

NEW SECTION. Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Remedial Action Grants (30000707)
 Appropriation:

Model Toxics Control Capital Account—State	\$5,877,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$635,000

NEW SECTION. Sec. 3058. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (30000714)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3017, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$4,898,000
Prior Biennia (Expenditures)	\$102,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3059. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000740)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3007, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$5,784,000
Prior Biennia (Expenditures)	\$716,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,500,000

NEW SECTION. Sec. 3060. FOR THE DEPARTMENT OF ECOLOGY

Eastern Regional Office Improvements and Stormwater Treatment (30000741)

Reappropriation:

State Building Construction Account—State	\$1,410,000
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Appropriation:

State Building Construction Account—State	\$1,966,000
Prior Biennia (Expenditures)	\$510,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,886,000

NEW SECTION. Sec. 3061. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Eastern Washington Clean Sites Initiative (30000742)

Appropriation:

Model Toxics Control Capital Account—State	\$1,740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,740,000

NEW SECTION. Sec. 3062. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Clean Up Toxic Sites – Puget Sound (30000749)

Appropriation:

Model Toxics Control Capital Account—State	\$2,099,000
Prior Biennia (Expenditures)	\$83,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,182,000

NEW SECTION. Sec. 3063. FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Clean Up Toxics Sites - Puget Sound (30000763)

Reappropriation:

State Building Construction Account—State	\$5,098,000
Prior Biennia (Expenditures)	\$142,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,240,000

NEW SECTION. Sec. 3064. FOR THE DEPARTMENT OF ECOLOGY

2017-19 Stormwater Financial Assistance Program (30000796)

The reappropriations and appropriations in this section are subject to the following conditions and limitations: The reappropriation and appropriation are subject to the provisions of section 3005, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$25,000,000
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Appropriation:

Model Toxics Control Stormwater Account—State	\$11,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,400,000

NEW SECTION. Sec. 3065. FOR THE DEPARTMENT OF ECOLOGY

2015-17 Restored Stormwater Financial Assistance (30000797)

Reappropriation:

State Building Construction Account—State	\$28,007,000
Prior Biennia (Expenditures)	\$2,093,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,100,000

NEW SECTION. Sec. 3066. FOR THE DEPARTMENT OF ECOLOGY

Catastrophic Flood Relief (40000006)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3023, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal	\$10,000,000
State Building Construction Account—State	\$45,075,000
Subtotal Reappropriation	\$55,075,000
Prior Biennia (Expenditures)	\$4,925,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$60,000,000

NEW SECTION. Sec. 3067. FOR THE DEPARTMENT OF ECOLOGY

VW Settlement Funded Projects (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3008, chapter 298, Laws of 2018.

Reappropriation:

General Fund—Private/Local	\$112,599,000
Prior Biennia (Expenditures)	\$101,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$112,700,000

NEW SECTION. Sec. 3068. FOR THE DEPARTMENT OF ECOLOGY

Healthy Housing Remediation Program (40000108)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of section 3009, chapter 298, Laws of 2018.

Appropriation:

Model Toxics Control Capital Account—State	\$4,500,000
Prior Biennia (Expenditures)	\$600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,100,000

NEW SECTION. Sec. 3069. FOR THE DEPARTMENT OF ECOLOGY

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Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles (40000109)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3010, chapter 298, Laws of 2018.

Reappropriation:

Air Pollution Control Account—State	\$26,483,000
Prior Biennia (Expenditures)	\$1,917,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,400,000

NEW SECTION. Sec. 3070. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Water Pollution Control Revolving Program (40000110)

The appropriations in this section are subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its water pollution control state revolving fund program loan.

(2) The department must encourage local government use of federally funded clean water infrastructure programs operated by the United States department of agriculture rural development.

Appropriation:

Water Pollution Control Revolving Account—	
Federal	\$56,000,000
Water Pollution Control Revolving Account—State	\$148,000,000
Subtotal Appropriation	\$204,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$816,000,000
TOTAL	\$1,020,000,000

NEW SECTION. Sec. 3071. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Sunnyside Valley Irrigation District Water Conservation (40000111)

Appropriation:

State Building Construction Account—State	\$4,234,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,936,000
TOTAL	\$21,170,000

NEW SECTION. Sec. 3072. FOR THE DEPARTMENT OF ECOLOGY

2019-21 ASARCO Cleanup (40000114)

Appropriation:

Cleanup Settlement Account—State	\$6,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,650,000
TOTAL	\$22,450,000

NEW SECTION. Sec. 3073. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Reducing Toxic Diesel Emissions (40000115)

Appropriation:

Air Pollution Control Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$3,000,000

NEW SECTION. Sec. 3074. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Centennial Clean Water Program (40000116)

The appropriation in this section is subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its centennial program grant.

(2) The agency must encourage local government use of federally funded clean water infrastructure programs operated by the United States department of agriculture rural development.

Appropriation:

State Building Construction Account—State	\$30,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$120,000,000
TOTAL	\$150,000,000

NEW SECTION. Sec. 3075. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Eastern Washington Clean Sites Initiative (40000117)

Appropriation:

Model Toxics Control Capital Account—State	\$12,110,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,110,000

NEW SECTION. Sec. 3076. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Reducing Toxic Wood Stove Emissions (40000126)

Appropriation:

Air Pollution Control Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 3077. FOR THE DEPARTMENT OF ECOLOGY

Padilla Bay Federal Capital Projects (40000127)

Appropriation:

General Fund—Federal	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3078. FOR THE DEPARTMENT OF ECOLOGY

Mercury Switch Removal (40000128)

Appropriation:

Model Toxics Control Capital Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 3079. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Floodplains by Design (40000129)

Appropriation:

State Building Construction Account—State	\$50,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$250,400,000

NEW SECTION. Sec. 3080. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Clean Up Toxics Sites – Puget Sound (40000130)

The appropriation in this section is subject to the following conditions and limitations: \$5,492,000 is provided solely for the Everett ASARCO cleanup to expedite the remediation of the residential properties, as well as conduct post-remediation monitoring and complete storm drain cleaning.

Appropriation:

Model Toxics Control Capital Account—State	\$12,767,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,767,000

NEW SECTION. Sec. 3081. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Stormwater Financial Assistance Program (40000144)

The appropriation in this section is subject to the following conditions and limitations:

(1) Appropriations in this section are provided solely for competitive grants to local governments implementing projects that reduce the impacts of stormwater on Washington state's waters.

(2) \$29,750,000 of the appropriation is provided solely for grants directed to areas of Puget Sound that will benefit southern resident killer whales.

Appropriation:

Model Toxics Control Stormwater Account—State	\$44,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$204,000,000

NEW SECTION. Sec. 3082. FOR THE DEPARTMENT OF ECOLOGY

2015 Drought Authority (40000146)

Appropriation:

State Drought Preparedness Account—State	\$669,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$669,000

NEW SECTION. Sec. 3083. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup and Prevention (40000147)

Appropriation:

Waste Tire Removal Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3084. FOR THE DEPARTMENT OF ECOLOGY

Lacey HQ Roof Replacement (40000148)

Appropriation:

State Building Construction Account—State	\$3,089,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,089,000

NEW SECTION. Sec. 3085. FOR THE DEPARTMENT OF ECOLOGY

Healthy Housing Remediation Program (40000149)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department to establish and administer a program to provide grants to persons

intending to remediate contaminated real property for development of affordable housing, as defined in RCW 43.185A.010. The grants may only be used for:

(a) Integrated planning to fund studies and other activities necessary to facilitate the acquisition, remediation, and adaptive reuse of known or suspected contaminated real property for affordable housing development, including:

(i) The activities specified under RCW 70.105D.070(4)(e)(iv); and

(ii) Entry into development agreements pursuant to RCW 36.70B.170 through 36.70B.190 to accelerate the development of the contaminated real property into affordable housing; and

(b) Remediation of contaminated real property for affordable housing development.

(2) When prioritizing grants under this section, the department must consult with the department of commerce and consider at a minimum:

(a) The ability of the project to expedite the cleanup and reuse of the contaminated real property for affordable housing development;

(b) The extent to which the project leverages other public or private funding for the cleanup and reuse of the contaminated real property for affordable housing development;

(c) The suitability of the real property for affordable housing based on the threat posed by the contamination to human health;

(d) Whether the work to be funded under the grant is ready to proceed and be completed; and

(e) The distribution of grants throughout the state and among public and private entities.

(3) Any remediation of contaminated real property funded under this section must be performed:

(a) Under an agreed order or consent decree issued under chapter 70.105D RCW; and

(b) In accordance with the rules established under chapter 70.105D RCW.

(4) Prior to a grant recipient conveying any interest in the real property or entering into any leases, the real property must be restricted to affordable housing use for a period of no less than thirty years.

(a) The department may require a grant recipient to record an interest in the land in accordance with RCW 64.04.130 or use other means deemed by the department to be no less protective of the affordable housing use and interests of the department.

(b) Any grant recipient who refuses, without sufficient cause, to comply with this subsection shall be subject to enforcement pursuant to any agreement or chapter 70.105D RCW for the repayment, with interest, of funds provided under this section.

Appropriation:

Model Toxics Control Capital Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 3086. FOR THE DEPARTMENT OF ECOLOGY

2019-21 State Match - Water Pollution Control Revolving Program (40000151)

Appropriation:

Water Pollution Control Revolving Account—State	\$12,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	\$60,000,000

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NEW SECTION. Sec. 3087. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Columbia River Water Supply Development Program (40000152)

The appropriations in this section are subject to the following conditions and limitations: \$15,000,000 of the appropriation is provided solely to assist in designing, engineering and building the EL 22.1 surface water irrigation system, including a canal pump station, an electrical power substation, booster pump stations, and a large diameter full-sized pipeline sufficient to irrigate 16,000 acres, located north of Interstate-90 and east of Moses Lake, Washington from the east low canal to at least road W northeast, which would provide Columbia basin project irrigation water to the Odessa subarea to replace deep well irrigation in the declining aquifer as part of the Odessa groundwater replacement program. Any moneys received by the east Columbia basin irrigation district from this act for the EL 22.1 must reduce in the same amount the proportionate share of uniform capital costs for the Odessa groundwater replacement program as administered by the district.

Appropriation:

Columbia River Basin Water Supply Revenue	
Recovery Account—State	\$2,400,000
State Building Construction Account—State	\$27,100,000
State Taxable Building Construction Account—State	\$10,500,000
Subtotal Appropriation	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	\$220,000,000

NEW SECTION. Sec. 3088. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Streamflow Restoration Program (40000177)

Appropriation:

Watershed Restoration and Enhancement Bond	
Account—State	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$200,000,000

NEW SECTION. Sec. 3089. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Yakima River Basin Water Supply (40000179)

Appropriation:

State Building Construction Account—State	\$40,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$340,000,000
TOTAL	\$380,000,000

NEW SECTION. Sec. 3090. FOR THE DEPARTMENT OF ECOLOGY

Zosel Dam Preservation (40000193)

Appropriation:

State Building Construction Account—State	\$217,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$217,000

NEW SECTION. Sec. 3091. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Protect Investments in Cleanup Remedies (40000194)

The appropriation in this section is subject to the following conditions and limitations: \$2,260,000 of the model toxics control capital account appropriation is provided solely for reimbursing the Lakewood water district for costs for the Ponders drinking

water treatment system, including costs incurred prior to July 1, 2019.

Appropriation:

Model Toxics Control Capital Account—State	\$9,637,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$49,637,000

NEW SECTION. Sec. 3092. FOR THE DEPARTMENT OF ECOLOGY

Lacey HQ Facility Preservation Project—Minor Works (40000207)

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 3093. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Chehalis Basin Strategy (40000209)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$23,757,000 of the appropriation is for advancing the long-term strategy for the Chehalis basin projects to reduce flood damage and restore aquatic species including project level environmental review, data collection, engineering design of future construction projects, feasibility analysis, and engagement of state agencies, tribes, the office of Chehalis basin, and other parties.

(2) Up to \$49,450,000 of the appropriation is for construction of local priority flood protection and habitat restoration projects.

(3) The office of Chehalis basin board has discretion to allocate the funding between subsections (1) and (2) of this section if needed to meet the objectives of this appropriation; however, \$10,000,000 of the amounts in this section are provided solely for the final design, permitting, property acquisition, and construction of the Aberdeen Hoquiam north shore levee and related stormwater conveyance and pump station upgrades.

(4) Up to one and a half percent of the appropriation provided in this section may be used by the recreation and conservation office to administer contracts associated with the subprojects funded through this section. Contract administration includes, but is not limited to: Drafting and amending contracts, reviewing and approving invoices, tracking expenditures, and performing field inspections to assess project status when conducting similar assessments related to other agency contracts in the same geographic area.

Appropriation:

State Building Construction Account—State	\$73,207,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$288,000,000
TOTAL	\$361,207,000

NEW SECTION. Sec. 3094. FOR THE DEPARTMENT OF ECOLOGY

Chemical Action Plan Implementation (40000210)

Appropriation:

Model Toxics Control Capital Account—State	\$3,704,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,704,000

NEW SECTION. Sec. 3095. FOR THE DEPARTMENT OF ECOLOGY

2019-21 Remedial Action Grants (40000211)

Appropriation:	
Model Toxics Control Capital Account—State	\$49,964,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$254,000,000
TOTAL	\$303,964,000

NEW SECTION. Sec. 3096. FOR THE DEPARTMENT OF ECOLOGY

Habitat Mitigation (91000007)	
Reappropriation:	
State Building Construction Account—State	\$47,000
Prior Biennia (Expenditures)	\$2,802,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,849,000

NEW SECTION. Sec. 3097. FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxics Sites - Puget Sound (91000032)	
Appropriation:	
Model Toxics Control Capital Account—State	\$304,000
Prior Biennia (Expenditures)	\$8,966,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,270,000

NEW SECTION. Sec. 3098. FOR THE DEPARTMENT OF ECOLOGY

Skagit Mitigation (91000181)	
Reappropriation:	
State Building Construction Account—State	\$951,000
Prior Biennia (Expenditures)	\$1,274,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,225,000

NEW SECTION. Sec. 3099. FOR THE DEPARTMENT OF ECOLOGY

Integrated Planning Grant: Port Townsend (91000338)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3026, chapter 2, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 3100. FOR THE DEPARTMENT OF ECOLOGY

Water Availability (91000343)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3011, chapter 298, Laws of 2018.

Reappropriation:	
Watershed Restoration and Enhancement Bond Account—State	\$13,558,000
Prior Biennia (Expenditures)	\$42,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,600,000

NEW SECTION. Sec. 3101. FOR THE DEPARTMENT OF ECOLOGY

Skagit Water (91000347)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3012, chapter 298, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$2,500,000

NEW SECTION. Sec. 3102. FOR THE DEPARTMENT OF ECOLOGY

Port of Port Angeles Stormwater (91000358)

The appropriation in this section is subject to the following conditions and limitations: \$250,000 is provided solely for the port of Port Angeles for archaeological excavations, design, and engineering for a stormwater pollution control system on industrial lands adjacent to the Tse-whit-zen tribal burial site in Port Angeles. Archaeological excavations must be completed in accordance with a permit issued by the department of archaeology and historic preservation and in consultation with the Lower Elwha Klallam tribe.

Appropriation:	
Model Toxics Control Capital Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 3103. FOR THE DEPARTMENT OF ECOLOGY

PFAS Pilot Project (91000359)

The appropriation in this section is subject to the following conditions and limitations: \$400,000 is provided solely for the department of ecology to continue the characterization of perfluoroalkyl and polyfluoroalkyl (PFAS) chemicals in source areas that impact the Issaquah valley aquifer and to design a pilot study for potential cleanup technologies. This work must be done in coordination with the local municipality and fire and rescue agency. The pilot plan shall help inform the development of statewide regulations for this contaminant.

Appropriation:	
State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 3104. FOR THE DEPARTMENT OF ECOLOGY

Storm Water Improvements (92000076)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3028, chapter 2, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$42,734,000
Prior Biennia (Expenditures)	\$54,266,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$97,000,000

NEW SECTION. Sec. 3105. FOR THE DEPARTMENT OF ECOLOGY

Floodplain Management and Control Grants (92000078)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3069, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:	
State Building Construction Account—State	\$4,834,000
Prior Biennia (Expenditures)	\$45,166,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 3106. FOR THE DEPARTMENT OF ECOLOGY

Drought Response (92000142)

Reappropriation:	
State Drought Preparedness Account—State	\$1,559,000
Prior Biennia (Expenditures)	\$5,164,000

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Future Biennia (Projected Costs)	\$0
TOTAL	\$6,723,000

NEW SECTION. Sec. 3107. FOR THE DEPARTMENT OF ECOLOGY

Port of Tacoma Arkema/Dunlap Mound (92000158)
 Reappropriation:

State Building Construction Account—State	\$735,000
Prior Biennia (Expenditures)	\$2,165,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,900,000

NEW SECTION. Sec. 3108. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Program Demonstration and Design (30000001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Pollution Liability Insurance Program Trust Account—State	\$335,000
Prior Biennia (Expenditures)	\$1,465,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,800,000

NEW SECTION. Sec. 3109. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financial Assistance Program (30000002)

Reappropriation:

PLIA Underground Storage Tank Revolving Account—State	\$3,683,000
Prior Biennia (Expenditures)	\$6,317,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3110. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Leaking Tank Model Remedies (30000669)
 Reappropriation:

State Building Construction Account—State	\$1,102,000
Prior Biennia (Expenditures)	\$4,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,106,000

NEW SECTION. Sec. 3111. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financing Assistance Program 2019-21 (30000702)

Appropriation:

PLIA Underground Storage Tank Revolving Account—State	\$12,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$92,500,000

NEW SECTION. Sec. 3112. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2019-21 Leaking Tank Model Remedies Activity (30000703)
 Appropriation:

Pollution Liability Insurance Program Trust Account—State	\$764,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$764,000

NEW SECTION. Sec. 3113. FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financial Assistance Pgm 2017-19 (92000001)

Reappropriation:

PLIA Underground Storage Tank Revolving Account—State	\$12,676,000
Prior Biennia (Expenditures)	\$24,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,700,000

NEW SECTION. Sec. 3114. FOR THE STATE PARKS AND RECREATION COMMISSION

Twin Harbors State Park: Renovation (30000086)

Reappropriation:

State Building Construction Account—State	\$267,000
Prior Biennia (Expenditures)	\$229,000
Future Biennia (Projected Costs)	\$13,954,000
TOTAL	\$14,450,000

NEW SECTION. Sec. 3115. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WWI Historic Facilities Preservation (30000100)

Reappropriation:

State Building Construction Account—State	\$1,091,000
Prior Biennia (Expenditures)	\$2,295,000
Future Biennia (Projected Costs)	\$1,963,000
TOTAL	\$5,349,000

NEW SECTION. Sec. 3116. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Simcoe - Historic Officers Quarters Renovation (30000155)

Reappropriation:

State Building Construction Account—State	\$292,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$292,000

NEW SECTION. Sec. 3117. FOR THE STATE PARKS AND RECREATION COMMISSION

Sun Lakes State Park: Dry Falls Campground Renovation (30000305)

Reappropriation:

State Building Construction Account—State	\$342,000
Prior Biennia (Expenditures)	\$60,000
Future Biennia (Projected Costs)	\$7,442,000
TOTAL	\$7,884,000

NEW SECTION. Sec. 3118. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Reappropriation:

State Building Construction Account—State	\$1,596,000
Prior Biennia (Expenditures)	\$242,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,838,000

NEW SECTION. Sec. 3119. FOR THE STATE PARKS AND RECREATION COMMISSION

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Reappropriation:

State Building Construction Account—State	\$111,000
Prior Biennia (Expenditures)	\$458,000
Future Biennia (Projected Costs)	\$0

TOTAL	\$569,000
NEW SECTION. Sec. 3120. FOR THE STATE PARKS AND RECREATION COMMISSION	
Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)	
Reappropriation:	
State Building Construction Account—State	\$25,000
Appropriation:	
State Building Construction Account—State	\$4,961,000
Prior Biennia (Expenditures)	\$397,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,383,000

NEW SECTION. Sec. 3121. FOR THE STATE PARKS AND RECREATION COMMISSION	
Schafer Relocate Campground (30000532)	
Reappropriation:	
State Building Construction Account—State	\$433,000
Appropriation:	
State Building Construction Account—State	\$4,024,000
Prior Biennia (Expenditures)	\$309,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,766,000

NEW SECTION. Sec. 3122. FOR THE STATE PARKS AND RECREATION COMMISSION	
Beacon Rock Entrance Road Realignment (30000647)	
Reappropriation:	
State Building Construction Account—State	\$215,000
Prior Biennia (Expenditures)	\$151,000
Future Biennia (Projected Costs)	\$9,050,000
TOTAL	\$9,416,000

NEW SECTION. Sec. 3123. FOR THE STATE PARKS AND RECREATION COMMISSION	
Goldendale Observatory - Expansion (30000709)	
Reappropriation:	
State Building Construction Account—State	\$551,000
Prior Biennia (Expenditures)	\$4,793,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,344,000

NEW SECTION. Sec. 3124. FOR THE STATE PARKS AND RECREATION COMMISSION	
Steamboat Rock Build Dunes Campground (30000729)	
Reappropriation:	
State Building Construction Account—State	\$2,437,000
Appropriation:	
State Building Construction Account—State	\$666,000
Prior Biennia (Expenditures)	\$1,062,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,165,000

NEW SECTION. Sec. 3125. FOR THE STATE PARKS AND RECREATION COMMISSION	
Kopachuck Day Use Development (30000820)	
Reappropriation:	
State Building Construction Account—State	\$5,190,000
Prior Biennia (Expenditures)	\$726,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,916,000

NEW SECTION. Sec. 3126. FOR THE STATE PARKS AND RECREATION COMMISSION	
Clean Vessel Boating Pump-Out Grants (30000856)	
Reappropriation:	
General Fund—Federal	\$1,000,000
Appropriation:	

General Fund—Federal	\$2,600,000
Prior Biennia (Expenditures)	\$4,200,000
Future Biennia (Projected Costs)	\$10,400,000
TOTAL	\$18,200,000

NEW SECTION. Sec. 3127. FOR THE STATE PARKS AND RECREATION COMMISSION	
Local Grant Authority (30000857)	
Reappropriation:	
Parks Renewal and Stewardship Account—Private/Local	\$1,000,000
Appropriation:	
Parks Renewal and Stewardship Account—Private/Local	\$2,000,000
Prior Biennia (Expenditures)	\$1,200,000
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$12,200,000

NEW SECTION. Sec. 3128. FOR THE STATE PARKS AND RECREATION COMMISSION	
Federal Grant Authority (30000858)	
Reappropriation:	
General Fund—Federal	\$350,000
Appropriation:	
General Fund—Federal	\$750,000
Prior Biennia (Expenditures)	\$2,150,000
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$6,250,000

NEW SECTION. Sec. 3129. FOR THE STATE PARKS AND RECREATION COMMISSION	
Fort Worden - Replace Failing Sewer Lines (30000860)	
Reappropriation:	
State Building Construction Account—State	\$1,493,000
Prior Biennia (Expenditures)	\$1,061,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,554,000

NEW SECTION. Sec. 3130. FOR THE STATE PARKS AND RECREATION COMMISSION	
Sequim Bay Address Failing Retaining Wall (30000861)	
Reappropriation:	
State Building Construction Account—State	\$735,000
Prior Biennia (Expenditures)	\$387,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,122,000

NEW SECTION. Sec. 3131. FOR THE STATE PARKS AND RECREATION COMMISSION	
Lake Sammamish Dock Grant Match (30000872)	
Reappropriation:	
State Building Construction Account—State	\$959,000
Prior Biennia (Expenditures)	\$141,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,100,000

NEW SECTION. Sec. 3132. FOR THE STATE PARKS AND RECREATION COMMISSION	
Birch Bay - Replace Failing Bridge (30000876)	
Reappropriation:	
State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$237,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$337,000

NEW SECTION. Sec. 3133. FOR THE STATE PARKS AND RECREATION COMMISSION	
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Fort Worden - Pier & Marine Learning Center Improve or Replace (30000950)

Reappropriation:

State Building Construction Account—State	\$613,000
Prior Biennia (Expenditures)	\$121,000
Future Biennia (Projected Costs)	\$5,269,000
TOTAL	\$6,003,000

NEW SECTION. Sec. 3134. FOR THE STATE PARKS AND RECREATION COMMISSION

Field Spring Replace Failed Sewage Syst & Non-ADA Comfort Station (30000951)

Reappropriation:

State Building Construction Account—State	\$1,123,000
Prior Biennia (Expenditures)	\$145,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,268,000

NEW SECTION. Sec. 3135. FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation from Harms Way (30000959)

Reappropriation:

State Building Construction Account—State	\$1,921,000
Prior Biennia (Expenditures)	\$587,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,508,000

NEW SECTION. Sec. 3136. FOR THE STATE PARKS AND RECREATION COMMISSION

Sun Lakes - Dry Falls - Upgrade Failing Water Supply Systems (30000962)

Reappropriation:

State Building Construction Account—State	\$644,000
Prior Biennia (Expenditures)	\$106,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 3137. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Reappropriation:

State Building Construction Account—State	\$186,000
Prior Biennia (Expenditures)	\$1,086,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,272,000

NEW SECTION. Sec. 3138. FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point - Replace Bridge (Pedestrian) (30000972)

Reappropriation:

State Building Construction Account—State	\$468,000
Prior Biennia (Expenditures)	\$279,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$747,000

NEW SECTION. Sec. 3139. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works Program (30000975)

Reappropriation:

State Building Construction Account—State	\$105,000
Prior Biennia (Expenditures)	\$386,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$491,000

NEW SECTION. Sec. 3140. FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (30000976)

Appropriation:

Parkland Acquisition Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$2,240,000
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$12,240,000

NEW SECTION. Sec. 3141. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Health and Safety (30000977)

Reappropriation:

State Building Construction Account—State	\$402,000
Prior Biennia (Expenditures)	\$647,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,049,000

NEW SECTION. Sec. 3142. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Facilities and Infrastructure (30000978)

Reappropriation:

State Building Construction Account—State	\$1,981,000
Prior Biennia (Expenditures)	\$2,610,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,591,000

NEW SECTION. Sec. 3143. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works—Program (30000979)

Reappropriation:

State Building Construction Account—State	\$646,000
Prior Biennia (Expenditures)	\$845,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,491,000

NEW SECTION. Sec. 3144. FOR THE STATE PARKS AND RECREATION COMMISSION

Moran Summit Learning Center - Interpretive Facility (30000980)

Reappropriation:

State Building Construction Account—State	\$903,000
Prior Biennia (Expenditures)	\$112,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,015,000

NEW SECTION. Sec. 3145. FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point Sewer Improvements (30000981)

Reappropriation:

State Building Construction Account—State	\$320,000
Prior Biennia (Expenditures)	\$130,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 3146. FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse Falls Day Use Area Renovation (30000983)

Reappropriation:

State Building Construction Account—State	\$220,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$220,000

NEW SECTION. Sec. 3147. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Sunset Beach Picnic Area (30000984)

Reappropriation:

State Building Construction Account—State	\$2,615,000
Prior Biennia (Expenditures)	\$145,000

Future Biennia (Projected Costs)	\$0
TOTAL	\$2,760,000

NEW SECTION. Sec. 3148. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Water System Renovation (30001016)	
Reappropriation:	
State Building Construction Account—State	\$264,000
Prior Biennia (Expenditures)	\$236,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3149. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Septic System Renovation (30001017)	
Reappropriation:	
State Building Construction Account—State	\$65,000
Prior Biennia (Expenditures)	\$185,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 3150. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electrical System Renovation (30001018)	
Reappropriation:	
State Building Construction Account—State	\$462,000
Prior Biennia (Expenditures)	\$288,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 3151. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - ADA Compliance (30000985)	
Reappropriation:	
State Building Construction Account—State	\$467,000
Prior Biennia (Expenditures)	\$533,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3152. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide New Park (30001019)	
Reappropriation:	
State Building Construction Account—State	\$267,000
Prior Biennia (Expenditures)	\$46,000
Future Biennia (Projected Costs)	\$20,006,000
TOTAL	\$20,319,000

NEW SECTION. Sec. 3153. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden Replace Failing Water Lines (30001022)	
Reappropriation:	
State Building Construction Account—State	\$214,000
Prior Biennia (Expenditures)	\$163,000
Future Biennia (Projected Costs)	\$2,013,000
TOTAL	\$2,390,000

NEW SECTION. Sec. 3154. FOR THE STATE PARKS AND RECREATION COMMISSION

Step toe Butte Road Improvements (30001076)	
Reappropriation:	
State Building Construction Account—State	\$466,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$466,000

NEW SECTION. Sec. 3155. FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment North Head Buildings and Ground Improvements (40000005)	
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Reappropriation:	
State Building Construction Account—State	\$469,000
Prior Biennia (Expenditures)	\$2,226,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,695,000

NEW SECTION. Sec. 3156. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Fish Barrier Removal (40000010)	
Reappropriation:	
State Building Construction Account—State	\$53,000
Appropriation:	
State Building Construction Account—State	\$1,605,000
Prior Biennia (Expenditures)	\$247,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,905,000

NEW SECTION. Sec. 3157. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electric Vehicle Charging Stations (40000016)	
Appropriation:	
State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,600,000
TOTAL	\$1,800,000

NEW SECTION. Sec. 3158. FOR THE STATE PARKS AND RECREATION COMMISSION

Moran - Major Park Renovation (40000020)	
Appropriation:	
State Building Construction Account—State	\$294,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,026,000
TOTAL	\$21,320,000

NEW SECTION. Sec. 3159. FOR THE STATE PARKS AND RECREATION COMMISSION

Preservation Minor Works 2019-21 (40000151)	
Appropriation:	
State Building Construction Account—State	\$4,447,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,447,000

NEW SECTION. Sec. 3160. FOR THE STATE PARKS AND RECREATION COMMISSION

Nisqually New Full Service Park (40000153)	
Appropriation:	
State Building Construction Account—State	\$2,994,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,700,000
TOTAL	\$20,694,000

NEW SECTION. Sec. 3161. FOR THE STATE PARKS AND RECREATION COMMISSION

Comfort Station Pilot Project (91000433)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3043, chapter 298, Laws of 2018.	
Reappropriation:	
State Building Construction Account—State	\$1,063,000
Prior Biennia (Expenditures)	\$104,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,167,000

NEW SECTION. Sec. 3162. FOR THE STATE PARKS AND RECREATION COMMISSION

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State Parks Capital Preservation Pool (92000014)
 The appropriations in this section are subject to the following conditions and limitations:

(1) Funding in this section is provided solely for a pool of eligible projects owned by the state parks and recreation commission.

(2) The following projects are the only projects eligible for funding in this section:

- (a) Birch Bay - Replace Failing;
- (b) Deception Pass - Bowman Bay Pier Replacement;
- (c) Fort Casey - Lighthouse Historic Preservation;
- (d) Fort Worden - Housing Areas Exterior Improvements;
- (e) Fort Worden Historic Building Roof Replacements;
- (f) Fort Worden Replace Failing Water Lines;
- (g) Kopachuck Day Use Development;
- (h) Pearygin Lake Consolidated Park Access;
- (i) Palouse Falls Day Use Area Renovation;
- (j) Statewide - ADA Compliance 2019-21;
- (k) Statewide - Code/Regulatory Compliance 2019-21;
- (l) Statewide - Facility & Infrastructure Backlog Reduction 2019-21;
- (m) Statewide - Marine Facilities Rehabilitation;
- (n) Steptoe Butte Road Improvements;
- (o) Sun Lakes State Park: Dry Falls Campground Renovation;
- (p) Lyons Ferry Campground Reestablishment;
- (q) Cape Disappointment North Head Lighthouse Area Bldgs and Grounds;
- (r) Fort Flagler - WW1 Historic Facilities Preservation;
- (s) Fort Simcoe - Historic Officers Quarters Renovation; and
- (t) Sun Lakes - Dry Falls Visitor's Center Renovation.

(3) The department shall report to the governor and the appropriate committees of the legislature the list of projects with funding levels, allotments, and schedules for the projects in this section by January 1, 2020.

Appropriation:

State Building Construction Account—State	\$31,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,000,000

NEW SECTION. Sec. 3163. FOR THE STATE PARKS AND RECREATION COMMISSION

St. Edward Environmental Education and Research Center (92000016)

Appropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 3164. FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000002)

Reappropriation:

Habitat Conservation Account—State	\$65,000
Prior Biennia (Expenditures)	\$69,380,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$69,445,000

NEW SECTION. Sec. 3165. FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2011-3A, developed May 24, 2011.

Reappropriation:

Outdoor Recreation Account—State	\$886,000
Prior Biennia (Expenditures)	\$41,114,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$42,000,000

NEW SECTION. Sec. 3166. FOR THE RECREATION AND CONSERVATION OFFICE

Salmon Recovery Funding Board Programs (30000140)

Reappropriation:

General Fund—Federal	\$1,901,000
Prior Biennia (Expenditures)	\$68,161,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$70,062,000

NEW SECTION. Sec. 3167. FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000205)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3161, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

Outdoor Recreation Account—State	\$3,010,000
Farm and Forest Account—State	\$1,332,000
Riparian Protection Account—State	\$504,000
Habitat Conservation Account—State	\$3,761,000
Subtotal Reappropriation	\$8,607,000
Prior Biennia (Expenditures)	\$56,393,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$65,000,000

NEW SECTION. Sec. 3168. FOR THE RECREATION AND CONSERVATION OFFICE

Salmon Recovery Funding Board Programs (30000206)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3162, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

General Fund—Federal	\$7,650,000
Prior Biennia (Expenditures)	\$67,350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000,000

NEW SECTION. Sec. 3169. FOR THE RECREATION AND CONSERVATION OFFICE

Aquatic Lands Enhancement Account (30000210)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2013-2B, developed April 10, 2013.

Reappropriation:

Aquatic Lands Enhancement Account—State	\$232,000
Prior Biennia (Expenditures)	\$5,768,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 3170. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Acquisition and Restoration (30000211)

Reappropriation:

State Building Construction Account—State	\$7,640,000
Prior Biennia (Expenditures)	\$62,360,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$70,000,000

NEW SECTION. Sec. 3171. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Estuary and Salmon Restoration Program (30000212)

Reappropriation:	
State Building Construction Account—State	\$481,000
Prior Biennia (Expenditures)	\$9,519,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3172. FOR THE RECREATION AND CONSERVATION OFFICE

Land and Water Conservation (30000216)	
Reappropriation:	
General Fund—Federal	\$1,404,000
Prior Biennia (Expenditures)	\$2,596,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3173. FOR THE RECREATION AND CONSERVATION OFFICE

Washington Wildlife Recreation Grants (30000220)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2015-1, developed June 30, 2015.

Reappropriation:	
Outdoor Recreation Account—State	\$4,225,000
Farm and Forest Account—State	\$1,644,000
Riparian Protection Account—State	\$1,510,000
Habitat Conservation Account—State	\$5,486,000
Subtotal Reappropriation	\$12,865,000
Prior Biennia (Expenditures)	\$42,458,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$55,323,000

NEW SECTION. Sec. 3174. FOR THE RECREATION AND CONSERVATION OFFICE

Salmon Recovery Funding Board Programs (30000221)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3164, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:	
General Fund—Federal	\$17,139,000
State Building Construction Account—State	\$2,973,000
Subtotal Reappropriation	\$20,112,000
Prior Biennia (Expenditures)	\$46,388,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$66,500,000

NEW SECTION. Sec. 3175. FOR THE RECREATION AND CONSERVATION OFFICE

Boating Facilities Program (30000222)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3024, chapter 35, Laws of 2016 sp. sess.

Reappropriation:	
Recreation Resources Account—State	\$191,000
Prior Biennia (Expenditures)	\$14,019,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,210,000

NEW SECTION. Sec. 3176. FOR THE RECREATION AND CONSERVATION OFFICE

Nonhighway Off-Road Vehicle Activities (30000223)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3025, chapter 35, Laws of 2016 sp. sess.

Reappropriation:	
NOVA Program Account—State	\$465,000
Prior Biennia (Expenditures)	\$10,705,000
Future Biennia (Projected Costs)	\$0

TOTAL	\$11,170,000
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NEW SECTION. Sec. 3177. FOR THE RECREATION AND CONSERVATION OFFICE

Youth Athletic Facilities (30000224)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3167, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:	
State Building Construction Account—State	\$1,494,000
Prior Biennia (Expenditures)	\$8,506,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3178. FOR THE RECREATION AND CONSERVATION OFFICE

Aquatic Lands Enhancement Account (30000225)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2015-2, developed June 30, 2015.

Reappropriation:	
Aquatic Lands Enhancement Account—State	\$1,044,000
Prior Biennia (Expenditures)	\$4,225,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,269,000

NEW SECTION. Sec. 3179. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Acquisition and Restoration (30000226)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3169, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:	
State Building Construction Account—State	\$7,611,000
Prior Biennia (Expenditures)	\$29,389,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$37,000,000

NEW SECTION. Sec. 3180. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Estuary and Salmon Restoration Program (30000227)

Reappropriation:	
State Building Construction Account—State	\$3,284,000
Prior Biennia (Expenditures)	\$4,716,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 3181. FOR THE RECREATION AND CONSERVATION OFFICE

Firearms and Archery Range Recreation (30000228)

Reappropriation:	
Firearms Range Account—State	\$81,000
Prior Biennia (Expenditures)	\$499,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$580,000

NEW SECTION. Sec. 3182. FOR THE RECREATION AND CONSERVATION OFFICE

Recreational Trails Program (30000229)

Reappropriation:	
General Fund—Federal	\$1,002,000
Prior Biennia (Expenditures)	\$3,998,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3183. FOR THE RECREATION AND CONSERVATION OFFICE

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Boating Infrastructure Grants (30000230)
 Reappropriation:
 General Fund—Federal \$1,235,000
 Prior Biennia (Expenditures) \$965,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,200,000

NEW SECTION. Sec. 3184. FOR THE RECREATION AND CONSERVATION OFFICE

Land and Water Conservation (30000231)
 Reappropriation:
 General Fund—Federal \$1,738,000
 Prior Biennia (Expenditures) \$2,262,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 3185. FOR THE RECREATION AND CONSERVATION OFFICE

Family Forest Fish Passage Program (30000233)
 Reappropriation:
 State Building Construction Account—State \$239,000
 Prior Biennia (Expenditures) \$4,761,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,000,000

NEW SECTION. Sec. 3186. FOR THE RECREATION AND CONSERVATION OFFICE

Salmon Recovery Funding Board Programs (30000408)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3070, chapter 2, Laws of 2018.
 Reappropriation:
 General Fund—Federal \$44,171,000
 State Building Construction Account—State \$11,775,000
 Subtotal Reappropriation \$55,946,000
 Prior Biennia (Expenditures) \$13,765,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$69,711,000

NEW SECTION. Sec. 3187. FOR THE RECREATION AND CONSERVATION OFFICE

2017-19 Washington Wildlife Recreation Grants (30000409)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2017-42, developed July 20, 2017, and LEAP capital document No. 2018-6H, developed January 3, 2018.
 Reappropriation:
 Outdoor Recreation Account—State \$29,705,000
 Farm and Forest Account—State \$6,992,000
 Habitat Conservation Account—State \$27,817,000
 Subtotal Reappropriation \$64,514,000
 Prior Biennia (Expenditures) \$15,486,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$80,000,000

NEW SECTION. Sec. 3188. FOR THE RECREATION AND CONSERVATION OFFICE

Boating Facilities Program (30000410)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3072, chapter 2, Laws of 2018.
 Reappropriation:
 Recreation Resources Account—State \$15,085,000
 Prior Biennia (Expenditures) \$2,090,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$17,175,000

NEW SECTION. Sec. 3189. FOR THE RECREATION AND CONSERVATION OFFICE

Nonhighway Off-Road Vehicle Activities (30000411)
 Reappropriation:
 NOVA Program Account—State \$11,352,000
 Prior Biennia (Expenditures) \$1,843,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$13,195,000

NEW SECTION. Sec. 3190. FOR THE RECREATION AND CONSERVATION OFFICE

Youth Athletic Facilities (30000412)
 Reappropriation:
 State Building Construction Account—State \$3,262,000
 Prior Biennia (Expenditures) \$815,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,077,000

NEW SECTION. Sec. 3191. FOR THE RECREATION AND CONSERVATION OFFICE

Aquatic Lands Enhancement Account (30000413)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Reappropriation:
 Aquatic Lands Enhancement Account—State \$1,360,000
 State Building Construction Account—State \$8,794,000
 Subtotal Reappropriation \$10,154,000
 Prior Biennia (Expenditures) \$2,131,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$12,285,000

NEW SECTION. Sec. 3192. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Acquisition and Restoration (30000414)
 Reappropriation:
 State Building Construction Account—State \$35,097,000
 Prior Biennia (Expenditures) \$4,903,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$40,000,000

NEW SECTION. Sec. 3193. FOR THE RECREATION AND CONSERVATION OFFICE

Puget Sound Estuary and Salmon Restoration Program (30000415)
 Reappropriation:
 State Building Construction Account—State \$6,315,000
 Prior Biennia (Expenditures) \$1,685,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,000,000

NEW SECTION. Sec. 3194. FOR THE RECREATION AND CONSERVATION OFFICE

Firearms and Archery Range Recreation (30000416)
 Reappropriation:
 Firearms Range Account—State \$762,000
 Prior Biennia (Expenditures) \$51,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$813,000

NEW SECTION. Sec. 3195. FOR THE RECREATION AND CONSERVATION OFFICE

Recreational Trails Program (30000417)
 Reappropriation:
 General Fund—Federal \$4,283,000
 Prior Biennia (Expenditures) \$717,000
 Future Biennia (Projected Costs) \$0

TOTAL	\$5,000,000
NEW SECTION. Sec. 3196. FOR THE RECREATION AND CONSERVATION OFFICE	
Boating Infrastructure Grants (30000418)	
Reappropriation:	
General Fund—Federal	\$1,650,000
Prior Biennia (Expenditures)	\$550,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 3197. FOR THE RECREATION AND CONSERVATION OFFICE	
Land and Water Conservation (30000419)	
Reappropriation:	
General Fund—Federal	\$3,400,000
Prior Biennia (Expenditures)	\$600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3198. FOR THE RECREATION AND CONSERVATION OFFICE	
Washington Coastal Restoration Initiative (30000420)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 2, Laws of 2018.	
Reappropriation:	
State Building Construction Account—State	\$10,860,000
Prior Biennia (Expenditures)	\$1,640,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,500,000

NEW SECTION. Sec. 3199. FOR THE RECREATION AND CONSERVATION OFFICE	
Family Forest Fish Passage Program (40000001)	
Reappropriation:	
State Building Construction Account—State	\$3,235,000
Prior Biennia (Expenditures)	\$1,765,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3200. FOR THE RECREATION AND CONSERVATION OFFICE	
2019-21 - Washington Wildlife Recreation Grants (40000002)	
The appropriations in this section are subject to the following conditions and limitations:	

(1) Except as provided in subsection (2) of this section, the appropriations in this section are provided solely for the list of projects identified in LEAP capital document No. 2019-5H, developed April 27, 2019.

(2) The remaining portion of the farm and forest account—state appropriation is provided solely for the prioritized list of projects to be provided by the recreation and conservation office by November 1, 2019, pursuant to RCW 79A.15.130, and the appropriated funds may be spent after the office provides the list.

Appropriation:	
Outdoor Recreation Account—State	\$38,250,000
Farm and Forest Account—State	\$8,500,000
Habitat Conservation Account—State	\$38,250,000
Subtotal Appropriation	\$85,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$320,000,000
TOTAL	\$405,000,000

NEW SECTION. Sec. 3201. FOR THE RECREATION AND CONSERVATION OFFICE	
2019-21 - Salmon Recovery Funding Board Programs (40000004)	

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,400,000 of the state building construction account—state appropriation is provided solely to maintain the lead entity program as described in chapter 77.85 RCW.

(2) \$640,000 of the state building construction account—state appropriation is provided solely for regional fisheries enhancement groups created in RCW 77.95.060.

Appropriation:	
General Fund—Federal	\$50,000,000
State Building Construction Account—State	\$25,000,000
Subtotal Appropriation	\$75,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$300,000,000
TOTAL	\$375,000,000

NEW SECTION. Sec. 3202. FOR THE RECREATION AND CONSERVATION OFFICE	
2019-21 - Boating Facilities Program (40000005)	
Appropriation:	
Recreation Resources Account—State	\$17,872,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$71,488,000
TOTAL	\$89,360,000

NEW SECTION. Sec. 3203. FOR THE RECREATION AND CONSERVATION OFFICE	
2019-21 - Nonhighway Off-Road Vehicle Activities (40000006)	
Appropriation:	
NOVA Program Account—State	\$11,411,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$55,644,000
TOTAL	\$67,055,000

NEW SECTION. Sec. 3204. FOR THE RECREATION AND CONSERVATION OFFICE	
2019-21 - Youth Athletic Facilities (40000007)	
Appropriation:	
State Building Construction Account—State	\$12,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$32,000,000

NEW SECTION. Sec. 3205. FOR THE RECREATION AND CONSERVATION OFFICE	
2019-21 - Aquatic Lands Enhancement Account (40000008)	
The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the list of projects identified in LEAP capital document No. 2019-6H, developed April 27, 2019.	
Appropriation:	
State Building Construction Account—State	\$6,600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,600,000

NEW SECTION. Sec. 3206. FOR THE RECREATION AND CONSERVATION OFFICE	
2019-21 - Puget Sound Acquisition and Restoration (40000009)	
Appropriation:	
State Building Construction Account—State	\$49,507,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$209,507,000

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NEW SECTION. Sec. 3207. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Puget Sound Estuary and Salmon Restoration Program (40000010)

Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 3208. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Washington Coastal Restoration Initiative (40000011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the list of projects identified in LEAP capital document No. 2019-7H, developed April 27, 2019.

(2) The agency may retain a portion of the funds appropriated in this section for the administration of the grants. The portion of the funds retained for administration may not exceed 4.12 percent of the appropriation.

Appropriation:

State Building Construction Account—State	\$12,086,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$49,752,000
TOTAL	\$61,838,000

NEW SECTION. Sec. 3209. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Brian Abbott Fish Barrier Removal Board (40000012)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the list of projects identified in LEAP capital document No. 2019-8H, developed April 27, 2019.

(2) The board may retain a portion of the funds appropriated for this section for its office for the administration of the grants. The portion of the funds retained for administration may not exceed 3.0 percent of the appropriation.

(3) The department of fish and wildlife may retain a portion of the funds appropriated for this section for the Brian Abbott fish barrier removal board for technical assistance in developing projects for consideration. The portion of the funds retained for technical assistance may not exceed 4.12 percent of the appropriation.

Appropriation:

State Building Construction Account—State	\$26,491,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,491,000

NEW SECTION. Sec. 3210. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Firearms and Archery Range (40000013)

Appropriation:

Firearms Range Account—State	\$735,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,940,000
TOTAL	\$3,675,000

NEW SECTION. Sec. 3211. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Recreational Trails Program (40000014)

Appropriation:

General Fund—Federal	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 3212. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Boating Infrastructure Grants (40000015)

Appropriation:

General Fund—Federal	\$2,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,800,000
TOTAL	\$11,000,000

NEW SECTION. Sec. 3213. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 - Land and Water Conservation Fund (40000016)

Appropriation:

General Fund—Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$30,000,000

NEW SECTION. Sec. 3214. FOR THE RECREATION AND CONSERVATION OFFICE

2019-21 Family Forest Fish Passage Program (40000017)

Appropriation:

State Building Construction Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 3215. FOR THE RECREATION AND CONSERVATION OFFICE

Coastal Restoration Grants (91000448)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3177, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$1,346,000
Prior Biennia (Expenditures)	\$9,839,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,185,000

NEW SECTION. Sec. 3216. FOR THE RECREATION AND CONSERVATION OFFICE

Brian Abbott Fish Passage Barrier Removal Board (91000566)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3085, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$18,076,000
Prior Biennia (Expenditures)	\$1,671,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,747,000

NEW SECTION. Sec. 3217. FOR THE RECREATION AND CONSERVATION OFFICE

Upper Quinault River Restoration Phase 3 (WCRI) (910000958)

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3218. FOR THE RECREATION AND CONSERVATION OFFICE

Recreation & Conservation Office Recreation Grants
(92000131)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 3086, chapter 2, Laws of 2018.

(2) A maximum of \$615,000 of unused funds in this appropriation may be used for replacement and repair of dock facilities available for public use at Van Riper marina, without requiring matching resources, and provided that a grant and lease term of 30 years is offered to the recipient from the state.

Reappropriation:

State Building Construction Account—State	\$14,559,000
Outdoor Recreation Account—State	\$1,337,000
Subtotal Reappropriation	\$15,896,000
Prior Biennia (Expenditures)	\$18,885,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,781,000

NEW SECTION. Sec. 3219. FOR THE RECREATION AND CONSERVATION OFFICE

Community Forest Pilot (92000447)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a community forest pilot program, including the following list of projects:

Mt. Adams Community Forest, Outlet Creek Tract	\$213,000
Gold Hill Community Forest	\$676,000

(2) The office may retain up to 4.0 percent of the appropriation for administrative costs, including costs for activities related to subsection (3) of this section.

(3) The office must assist Chelan county and other stakeholders to develop a management plan for potential future community forests, including the Nason Ridge community forest. The management plan for the Nason Ridge community forest must be submitted to the governor and the appropriate committees of the legislature by December 1, 2019.

Appropriation:

State Building Construction Account—State	\$925,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$925,000

NEW SECTION. Sec. 3220. FOR THE STATE CONSERVATION COMMISSION

Match for Federal RCPP Program (30000017)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3033, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

General Fund—Federal	\$1,600,000
State Building Construction Account—State	\$1,465,000
Subtotal Reappropriation	\$3,065,000
Prior Biennia (Expenditures)	\$3,810,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,875,000

NEW SECTION. Sec. 3221. FOR THE STATE CONSERVATION COMMISSION

2019-21 Improve Shellfish Growing Areas (40000004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of the appropriation is provided solely for continuing erosion control at North Cove, including beach restoration, erosion control, sediment abatement, soft berm, and dynamic revetment projects.

(2) Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3222. FOR THE STATE CONSERVATION COMMISSION

2019-21 Natural Resource Investments (40000005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely to help landowners boost environmental stewardship and agricultural sustainability. The commission must consider funding needs for those districts involved with chinook salmon recovery that will have the most benefit for southern resident killer whales.

(2) Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and construction oversight for natural resource enhancement and conservation projects.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3223. FOR THE STATE CONSERVATION COMMISSION

2019-21 Match for Federal RCPP (40000006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account—state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission must, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,800,000
TOTAL	\$11,800,000

NEW SECTION. Sec. 3224. FOR THE STATE CONSERVATION COMMISSION

2019-21 Water Irrigation Efficiencies Program (40000009)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The state conservation commission shall give preference to projects located in the sixteen fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants listed in subsection (1) of this section. A conservation district receiving

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funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed eighty-five percent of the total cost of the conservation measure or irrigation efficiency.

(3) Up to \$300,000 of the appropriation in this section may be allocated for the purchase and installation of flow meters that are implemented in cooperation with the Washington state department of fish and wildlife fish screening program authorized under RCW 77.57.070.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3225. FOR THE STATE CONSERVATION COMMISSION

2019-21 CREP PIP Loan Program (40000010)

Appropriation:

Conservation Assistance Revolving Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000
TOTAL	\$300,000

NEW SECTION. Sec. 3226. FOR THE STATE CONSERVATION COMMISSION

CREP Riparian Cost Share - State Match 2017-19 (91000009)

Reappropriation:

State Building Construction Account—State	\$1,969,000
Prior Biennia (Expenditures)	\$631,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,600,000

NEW SECTION. Sec. 3227. FOR THE STATE CONSERVATION COMMISSION

CREP Riparian Contract Funding 2017-19 (91000010)

Reappropriation:

State Building Construction Account—State	\$1,044,000
Prior Biennia (Expenditures)	\$1,256,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,300,000

NEW SECTION. Sec. 3228. FOR THE STATE CONSERVATION COMMISSION

2019-21 CREP Riparian Contract Funding (91000015)

Appropriation:

State Building Construction Account—State	\$1,900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,900,000

NEW SECTION. Sec. 3229. FOR THE STATE CONSERVATION COMMISSION

2019-21 CREP Riparian Cost Share - State Match (91000017)

Appropriation:

State Building Construction Account—State	\$1,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,800,000

NEW SECTION. Sec. 3230. FOR THE STATE CONSERVATION COMMISSION

Conservation Commission Ranch & Farmland Preservation Projects (92000004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3188, chapter 3, Laws of 2015 3rd sp. sess., with the exception of the following: The commission is authorized to reallocate the project funds of \$4,913,000 from the Imrie ranches Rock creek agricultural easement to the purchase of the Simcoe unit.

Reappropriation:

State Building Construction Account—State	\$4,974,000
Prior Biennia (Expenditures)	\$2,548,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,522,000

NEW SECTION. Sec. 3231. FOR THE STATE CONSERVATION COMMISSION

Natural Resource Investment for the Economy & Environment 2017-19 (92000011)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3090, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$3,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3232. FOR THE STATE CONSERVATION COMMISSION

Improve Shellfish Growing Areas 2017-19 (92000012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3052, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$3,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3233. FOR THE STATE CONSERVATION COMMISSION

Match for Federal RCPP Program 2017-19 (92000013)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3053, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,377,000
Prior Biennia (Expenditures)	\$623,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3234. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Watershed Center (20062008)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3205, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—State	\$9,697,000
Prior Biennia (Expenditures)	\$5,798,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,495,000

NEW SECTION. Sec. 3235. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory Waterfowl Habitat (20082045)

Reappropriation:	
State Wildlife Account—State	\$500,000
Appropriation:	
State Wildlife Account—State	\$600,000
Prior Biennia (Expenditures)	\$1,388,000
Future Biennia (Projected Costs)	\$1,800,000
TOTAL	\$4,288,000

NEW SECTION. Sec. 3236. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funding (20082048)

The appropriations in this section are subject to the following conditions and limitations: \$3,900,000 of the appropriation is provided solely for repair of the Wiley Slough dike.

Reappropriation:	
General Fund—Federal	\$10,000,000
General Fund—Private/Local	\$863,000
Special Wildlife Account—Federal	\$1,000,000
Special Wildlife Account—Private/Local	\$1,680,000
State Wildlife Account—State	\$400,000
Subtotal Reappropriation	\$13,943,000
Appropriation:	
General Fund—Federal	\$10,000,000
General Fund—Private/Local	\$1,000,000
Special Wildlife Account—Federal	\$1,000,000
Special Wildlife Account—Private/Local	\$1,000,000
State Wildlife Account—State	\$500,000
Subtotal Appropriation	\$13,500,000
Prior Biennia (Expenditures)	\$72,421,000
Future Biennia (Projected Costs)	\$58,500,000
TOTAL	\$158,364,000

NEW SECTION. Sec. 3237. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Eells Spring Hatchery Renovation (30000214)

Reappropriation:	
State Building Construction Account—State	\$1,375,000
Prior Biennia (Expenditures)	\$118,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,493,000

NEW SECTION. Sec. 3238. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Samish Hatchery Intakes (30000276)

Reappropriation:	
State Building Construction Account—State	\$410,000
Appropriation:	
State Building Construction Account—State	\$7,682,000
Prior Biennia (Expenditures)	\$640,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,732,000

NEW SECTION. Sec. 3239. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minter Hatchery Intakes (30000277)

Reappropriation:	
State Building Construction Account—State	\$6,148,000
Appropriation:	
State Building Construction Account—State	\$2,306,000
Prior Biennia (Expenditures)	\$457,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,911,000

NEW SECTION. Sec. 3240. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wooten Wildlife Area Improve Flood Plain (30000481)

Reappropriation:

State Building Construction Account—State	\$60,000
Appropriation:	
General Fund—Federal	\$500,000
State Building Construction Account—State	\$1,000,000
Subtotal Appropriation	\$1,500,000
Prior Biennia (Expenditures)	\$5,540,000
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$13,100,000

NEW SECTION. Sec. 3241. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wallace River Hatchery - Replace Intakes and Ponds (30000660)

Reappropriation:	
State Building Construction Account—State	\$1,600,000
Appropriation:	
State Building Construction Account—State	\$11,804,000
Prior Biennia (Expenditures)	\$401,000
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$23,805,000

NEW SECTION. Sec. 3242. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Soos Creek Hatchery Renovation (30000661)

Reappropriation:	
State Building Construction Account—State	\$5,555,000
Appropriation:	
State Building Construction Account—State	\$1,710,000
Prior Biennia (Expenditures)	\$6,144,000
Future Biennia (Projected Costs)	\$3,031,000
TOTAL	\$16,440,000

NEW SECTION. Sec. 3243. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Cooperative Elk Damage Fencing (30000662)

The reappropriation and appropriation in this section are subject to the following conditions and limitations: The reappropriation and appropriation are to be spent in concert with, where applicable, the co-management agreements between the department of fish and wildlife and treaty tribes.

Reappropriation:	
State Building Construction Account—State	\$850,000
Appropriation:	
State Building Construction Account—State	\$1,200,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$4,800,000
TOTAL	\$7,200,000

NEW SECTION. Sec. 3244. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Edmonds Pier Renovation (30000664)

Reappropriation:	
State Building Construction Account—State	\$154,000
Prior Biennia (Expenditures)	\$646,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 3245. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hazard Fuel Reductions, Forest Health and Ecosystem Improvement (30000665)

Reappropriation:	
State Building Construction Account—State	\$1,500,000
Appropriation:	
State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$3,500,000
Future Biennia (Projected Costs)	\$24,000,000

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TOTAL \$31,000,000

NEW SECTION. Sec. 3246. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Naselle Hatchery Renovation (30000671)
 Reappropriation:
 State Building Construction Account—State \$7,441,000
 Prior Biennia (Expenditures) \$691,000
 Future Biennia (Projected Costs) \$28,220,000
 TOTAL \$36,352,000

NEW SECTION. Sec. 3247. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Eells Springs Production Shift (30000723)
 Reappropriation:
 State Building Construction Account—State \$1,400,000
 Prior Biennia (Expenditures) \$2,670,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,070,000

NEW SECTION. Sec. 3248. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation (30000727)
 Reappropriation:
 State Building Construction Account—State \$941,000
 Prior Biennia (Expenditures) \$8,589,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$9,530,000

NEW SECTION. Sec. 3249. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Puget Sound and Adjacent Waters Nearshore Restoration - Match (30000753)
 Reappropriation:
 General Fund—Federal \$500,000
 State Building Construction Account—State \$281,000
 Subtotal Reappropriation \$781,000
 Prior Biennia (Expenditures) \$219,000
 Future Biennia (Projected Costs) \$70,616,000
 TOTAL \$71,616,000

NEW SECTION. Sec. 3250. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation (30000756)
 Reappropriation:
 State Building Construction Account—State \$3,545,000
 Prior Biennia (Expenditures) \$5,955,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$9,500,000

NEW SECTION. Sec. 3251. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Programmatic (30000782)
 Reappropriation:
 State Building Construction Account—State \$2,200,000
 Prior Biennia (Expenditures) \$625,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,825,000

NEW SECTION. Sec. 3252. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Snow Creek Reconstruct Facility (30000826)
 The appropriation in this section is subject to the following conditions and limitations: In constructing the project, the department must consider the firelight toilet technology.
 Reappropriation:
 State Building Construction Account—State \$25,000
 Appropriation:

State Building Construction Account—State \$143,000
 Prior Biennia (Expenditures) \$75,000
 Future Biennia (Projected Costs) \$4,794,000
 TOTAL \$5,037,000

NEW SECTION. Sec. 3253. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)
 Reappropriation:
 State Building Construction Account—State \$2,423,000
 Appropriation:
 State Building Construction Account—State \$3,086,000
 Prior Biennia (Expenditures) \$2,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,511,000

NEW SECTION. Sec. 3254. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hurd Creek - Relocate Facilities out of Floodplain (30000830)
 Reappropriation:
 State Building Construction Account—State \$600,000
 Prior Biennia (Expenditures) \$200,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$800,000

NEW SECTION. Sec. 3255. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dungeness Hatchery - Replace Main Intake (30000844)
 Reappropriation:
 State Building Construction Account—State \$300,000
 Appropriation:
 State Building Construction Account—State \$4,830,000
 Prior Biennia (Expenditures) \$315,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,445,000

NEW SECTION. Sec. 3256. FOR THE DEPARTMENT OF FISH AND WILDLIFE

PSNERP Match (30000846)
 Reappropriation:
 General Fund—Federal \$1,000,000
 State Building Construction Account—State \$489,000
 Subtotal Reappropriation \$1,489,000
 Appropriation:
 General Fund—Federal \$4,754,000
 State Building Construction Account—State \$3,024,000
 Subtotal Appropriation \$7,778,000
 Prior Biennia (Expenditures) \$11,000
 Future Biennia (Projected Costs) \$424,426,000
 TOTAL \$433,704,000

NEW SECTION. Sec. 3257. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Kalama Falls Hatchery Replace Raceways and PA System (30000848)
 Reappropriation:
 State Building Construction Account—State \$722,000
 Prior Biennia (Expenditures) \$94,000
 Future Biennia (Projected Costs) \$6,800,000
 TOTAL \$7,616,000

NEW SECTION. Sec. 3258. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Scatter Creek Wildlife Area Fire Damage (40000005)
 Reappropriation:
 State Building Construction Account—State \$1,250,000
 Prior Biennia (Expenditures) \$81,000

Future Biennia (Projected Costs) \$0
 TOTAL \$1,331,000

NEW SECTION. Sec. 3259. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation 2019-21 (40000007)
 Appropriation:
 State Building Construction Account—State \$8,030,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,030,000

NEW SECTION. Sec. 3260. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Programmatic 2019-21 (40000008)
 Appropriation:
 State Building Construction Account—State \$2,427,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,427,000

NEW SECTION. Sec. 3261. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Toutle River Fish Collection Facility - Match (40000021)
 Appropriation:
 State Building Construction Account—State \$6,775,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$18,312,000
 TOTAL \$25,087,000

NEW SECTION. Sec. 3262. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Elochoman Hatchery Demolition and Restoration (40000024)
 Appropriation:
 General Fund—Federal \$250,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$250,000
 TOTAL \$500,000

NEW SECTION. Sec. 3263. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Snohomish County Wildlife Rehabilitation Facility (PAWS) (40000025)
 Appropriation:
 State Building Construction Account—State \$2,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,000,000

NEW SECTION. Sec. 3264. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Region 1 Office - Construct Secure Storage (40000087)
 Appropriation:
 State Building Construction Account—State \$150,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$6,329,000
 TOTAL \$6,479,000

NEW SECTION. Sec. 3265. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Access Sites (91000044)
 Reappropriation:
 State Building Construction Account—State \$400,000
 Prior Biennia (Expenditures) \$7,006,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,406,000

NEW SECTION. Sec. 3266. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Lake Rufus Woods Fishing Access (91000151)
 Reappropriation:
 State Building Construction Account—State \$1,000,000
 Prior Biennia (Expenditures) \$2,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,000,000

NEW SECTION. Sec. 3267. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Leque Island Highway 532 Road Protection (92000019)
 Reappropriation:
 State Building Construction Account—State \$220,000
 Prior Biennia (Expenditures) \$460,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$680,000

NEW SECTION. Sec. 3268. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Clarks Creek Hatchery Rebuild (92000038)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3114, chapter 2, Laws of 2018.

Reappropriation:
 State Building Construction Account—State \$9,500,000
 Prior Biennia (Expenditures) \$6,920,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$16,420,000

NEW SECTION. Sec. 3269. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Plan (RMAP) (30000261)
 Reappropriation:
 State Building Construction Account—State \$1,346,000
 Prior Biennia (Expenditures) \$956,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,302,000

NEW SECTION. Sec. 3270. FOR THE DEPARTMENT OF NATURAL RESOURCES

Sustainable Recreation (30000263)
 Reappropriation:
 State Building Construction Account—State \$366,000
 Prior Biennia (Expenditures) \$2,134,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,500,000

NEW SECTION. Sec. 3271. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities Preservation and Access (30000266)
 Reappropriation:
 State Building Construction Account—State \$745,000
 Prior Biennia (Expenditures) \$1,255,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,000,000

NEW SECTION. Sec. 3272. FOR THE DEPARTMENT OF NATURAL RESOURCES

Puget SoundCorps (30000267)
 Reappropriation:
 State Building Construction Account—State \$811,000
 Prior Biennia (Expenditures) \$4,189,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,000,000

NEW SECTION. Sec. 3273. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (30000269)

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The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3058, chapter 298, Laws of 2018, with the following exceptions:

(1) The department must deposit in the common school construction account the portion of the appropriation in this section that represents the estimated value of the timber on the transferred properties by June 30, 2020, rather than June 30, 2019.

(2) Land within the common school trust must be exchanged for land of equal value held for other trust beneficiaries of the property identified in subsection (1) of section 3058, chapter 298, Laws of 2018 by June 30, 2020, rather than June 30, 2019.

(3) The state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section by June 30, 2020, rather than June 30, 2019.

Reappropriation:

State Building Construction Account—State	\$9,939,000
Prior Biennia (Expenditures)	\$61,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3274. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forestry Riparian Easement Program (FREP) (30000279)

Reappropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$3,100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 3275. FOR THE DEPARTMENT OF NATURAL RESOURCES

Teanaway Working Forest (30000289)

Reappropriation:

State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures)	\$881,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,481,000

NEW SECTION. Sec. 3276. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Hazard Reduction (30000290)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3129, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$6,111,000
Prior Biennia (Expenditures)	\$6,889,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,000,000

NEW SECTION. Sec. 3277. FOR THE DEPARTMENT OF NATURAL RESOURCES

NE Region Storm Damage Road Repair (40000002)

Reappropriation:

State Building Construction Account—State	\$391,000
Prior Biennia (Expenditures)	\$38,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$429,000

NEW SECTION. Sec. 3278. FOR THE DEPARTMENT OF NATURAL RESOURCES

Pasco Local Improvement District (40000019)

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3279. FOR THE DEPARTMENT OF NATURAL RESOURCES

State Forest Land Replacement (40000032)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties with:

- (i) A population of twenty-five thousand or fewer; and
- (ii) Risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(2) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(3) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose.

(4) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsections (1) and (2) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account—State	\$4,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$28,500,000

NEW SECTION. Sec. 3280. FOR THE DEPARTMENT OF NATURAL RESOURCES

Omak Consolidation, Expansion and Relocation (40000033)

Appropriation:

State Building Construction Account—State	\$108,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,400,000
TOTAL	\$5,508,000

NEW SECTION. Sec. 3281. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (40000034)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department of natural resources to transfer from trust status certain trust lands of statewide significance deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, department of natural resources community forest open spaces, or recreation purposes. The approved property for transfer is identified in the LEAP capital document No. 2019-9H, developed April 27, 2019.

(2) Property transferred under this section must be appraised and transferred at fair market value. By September 30, 2019, the department must deposit in the common school construction account the portion of the appropriation in this section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs, and may not exceed one and nine-tenths percent of the appropriation.

(4) By June 30, 2021, land within the common school trust shall be exchanged for land of equal value held for other trust beneficiaries of the property identified in subsection (1) of this section.

(5) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Fee transfer agreements for properties identified in subsection (1) of this section must include terms that perpetually restrict the use of the property to the intended purpose. Transfer agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the originally intended public purpose and the department and legislature approves such uses.

(6) The department shall work in good faith to carry out the intent of this section.

(7) By June 30, 2021, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

Appropriation:

State Building Construction Account—State	\$6,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,400,000

NEW SECTION. Sec. 3282. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Plan (RMAP) (40000037)

Appropriation:

State Building Construction Account—State	\$3,766,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$17,766,000

NEW SECTION. Sec. 3283. FOR THE DEPARTMENT OF NATURAL RESOURCES

Teanaway (40000038)

Appropriation:

State Building Construction Account—State	\$1,856,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,856,000

NEW SECTION. Sec. 3284. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Acquisition Grants (40000039)

Appropriation:

General Fund—Federal	\$18,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$58,000,000

NEW SECTION. Sec. 3285. FOR THE DEPARTMENT OF NATURAL RESOURCES

Puget Sound Corps (40000041)

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3286. FOR THE DEPARTMENT OF NATURAL RESOURCES

Sunshine Mine (40000042)

Appropriation:

Model Toxics Control Capital Account—State	\$130,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$130,000

NEW SECTION. Sec. 3287. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Replacement (40000043)

Appropriation:

Resource Management Cost Account—State	\$30,000,000
Natural Resources Real Property Replacement Account—State	\$30,000,000
Community and Technical College Forest Reserve Account—State	\$1,000,000
Subtotal Appropriation	\$61,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$61,000,000

NEW SECTION. Sec. 3288. FOR THE DEPARTMENT OF NATURAL RESOURCES

Sustainable Recreation (40000044)

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,800,000
TOTAL	\$6,800,000

NEW SECTION. Sec. 3289. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy 2019-21 (40000045)

Appropriation:

General Fund—Federal	\$15,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$60,000,000
TOTAL	\$75,000,000

NEW SECTION. Sec. 3290. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities 2019-21 (40000046)

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$12,000,000

NEW SECTION. Sec. 3291. FOR THE DEPARTMENT OF NATURAL RESOURCES

School Seismic Safety Assessments (40000047)

The appropriation in this section is subject to the following conditions and limitations:

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(1) The department, in consultation with the office of emergency management, the office of the superintendent of public instruction, and the state board of education, shall develop a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk because of high earthquake hazard and soils that amplify that hazard.

(2) The survey must be a representative sample of public facilities located in high priority areas as determined in the 2017-19 survey of public school seismic safety assessments and tsunami inundation zones as published by the department. The survey must use the results of the 2017-19 survey's findings to prioritize school buildings based on geologic and engineering results.

(3) The seismic safety surveys must be conducted for the following types of public facilities in the following order:

(a) A portion of public school facilities that are routinely used for the instruction of students in kindergarten through twelfth grade and in school districts that have held successful bond elections within the previous three years;

(b) A portion of the remaining public school facilities that are routinely used for the instruction of students in kindergarten through twelfth grade;

(c) Fire stations located within a one-mile radius of a facility described in (a) or (b) of this subsection.

(4) The department must coordinate and maximize survey efforts made under subsection (3)(a), (b), and (c) of this section whenever possible.

(5) The initial phase of the prioritized seismic needs assessment of the facilities specified in subsection (3)(a) and (b) of this section shall include, but is not limited to, the following:

(a) An on-site assessment, under the supervision of licensed geologists, of the seismic site class of the soils at the facilities;

(b) An on-site inspection of the facility buildings, including structural systems using structural plans where available, condition, maintenance, and nonstructural seismic hazards following standardized methods by licensed structural engineers;

(c) An estimate of costs to retrofit a prioritized subset of the facilities specified in subsection (3)(a) and (b) of this section to life safety standards as defined by the American society of civil engineers; and

(d) An estimate of costs to retrofit a prioritized subset of facilities specified in subsection (3)(c) of this section to immediate occupancy standards as defined by the American society of civil engineers.

(6) The department must collect and submit survey data to the superintendent of public instruction in a format compatible with the inventory and condition of schools database. The department must enter into an agreement with the superintendent of public instruction to make any necessary modifications to the inventory and condition of schools database to receive and report the survey data.

(7) The department must share that data with the school districts where the surveys were conducted, the schools where the surveys were conducted, the governor, and the appropriate legislative committees.

(8) The department and the office of the superintendent of public instruction must provide technical assistance to the school facilities sampled to incorporate survey information into their school safety plans.

(9) The statewide seismic needs assessment specified in this section shall be submitted to the office of financial management and the appropriate committees of the legislature by June 30, 2021.

Appropriation:

State Building Construction Account—State	\$2,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 3292. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Hazard Reduction (40000049)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$13,200,000 is provided solely for: Mitigating risk of uncharacteristic wildfire and other disturbances to protect lives, communities, property, ecosystems, and working forests; implementing forest health treatments, prioritized pursuant to chapter 76.06 RCW, on state lands and state forestlands, high-risk private lands, and federal lands, including implementation of the "good neighbor" agreement signed with the United States forest service and the bureau of land management, and "good neighbor" cross boundary competitive grants to forest collaboratives; and increasing the use of prescribed fire through improved trainings, prescribed burn certification programs, and shared stewardship strategies with federal land managers.

(2) \$1,000,000 is provided solely for administering the forest health treatments pursuant to subsection (1) of this section with the following conditions and limitations:

(a) The department must contract with the Washington conservation corps, including veterans, to provide forest health treatments that may include thinning, pruning, and brush disposal, and other wildfire preparedness and fuel modification practices for firewise communities; and

(b) The department must work in conjunction with communities, counties, fire districts, and conservation districts in implementing wildfire preparedness and fuel modification practices for firewise communities.

Appropriation:

State Building Construction Account—State	\$14,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$60,000,000
TOTAL	\$74,200,000

NEW SECTION. Sec. 3293. FOR THE DEPARTMENT OF NATURAL RESOURCES

Large Vessel Removals (40000051)

Appropriation:

State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$6,500,000

NEW SECTION. Sec. 3294. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Riparian Easement Program (FREP) (40000052)

Appropriation:

State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$22,500,000

NEW SECTION. Sec. 3295. FOR THE DEPARTMENT OF NATURAL RESOURCES

Rivers and Habitat Open Space Program (RHOSP) (40000053)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3296. FOR THE DEPARTMENT OF NATURAL RESOURCES

Cultural Resources Conservation Easement Program (CRCEP) (40000054)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3297. FOR THE DEPARTMENT OF NATURAL RESOURCES

Federal ESA Mitigation Grants (91000087)

Reappropriation:

General Fund—Federal	\$4,000,000
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3298. FOR THE DEPARTMENT OF NATURAL RESOURCES

Port of Willapa Harbor Energy Innovation District Grant (91000099)

Reappropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 3299. FOR THE DEPARTMENT OF NATURAL RESOURCES

Assessing and Improving Economic Performance of Trust Lands (91000100)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to conduct the asset valuation of state lands and state forestlands held in trust and managed by the department as required in section 7022 of this act.

Reappropriation:

State Building Construction Account—State	\$430,000
Appropriation:	
Forest Development Account—State	\$550,000
Resource Management Cost Account—State	\$550,000
Subtotal Appropriation	\$1,100,000
Prior Biennia (Expenditures)	\$125,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,655,000

NEW SECTION. Sec. 3300. FOR THE DEPARTMENT OF NATURAL RESOURCES

City of Omak Fire Suppression Water Flow Infrastructure (91000102)

Appropriation:

State Building Construction Account—State	\$1,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,300,000

NEW SECTION. Sec. 3301. FOR THE DEPARTMENT OF NATURAL RESOURCES

Fircrest Property (91000103)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following purposes:

(1) The department must, in consultation with the office of financial management and the department of social and health services, develop recommendations for future use of underutilized portions of the Fircrest School campus, including

the southeast and southwest corners. Recommendations must include options for developing affordable housing and public open space on underutilized portions of the Fircrest School campus and any specific statutory language necessary to implement these recommendations. Recommendations must consider: (a) Current zoning restrictions; (b) current use; (c) current ownership; (d) current revenue generating capacity; (e) any specific statutory language necessary to implement these recommendations; and (f) any legal constraints.

(2) The department must submit a report to the appropriate committees of the legislature by December 31, 2019.

Appropriation:

Charitable, Educational, Penal, Reformatory, Institutional Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 3302. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy 2017-19 (92000032)

Reappropriation:

General Fund—Federal	\$7,100,000
Prior Biennia (Expenditures)	\$7,900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,000,000

NEW SECTION. Sec. 3303. FOR THE DEPARTMENT OF NATURAL RESOURCES

Administrative Site/Minor Works Pool (92000034)

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding in this section is for a pool of eligible projects for predesign, design, or construction of facilities owned by the department of natural resources. The department may also use funding in this section for minor works preservation projects at facilities owned by the department.

(2) The following projects are the only projects eligible for predesign, design, or construction funding in this section: (a) Airway Heights Facility Replacement; (b) Belfair Fire and Work Center Replacement; (c) DNR Hangar Consolidation, Relocation, and Expansion; (d) Eatonville Consolidation and Expansion; (e) Forks Storm Water Repair; (f) Goldendale Fire Station Latrine and Shower Facility; (g) Husum Fire Station and Work Center Expansion and Renovation; (h) Port Angeles Storm Water Repair; (i) Purchase Replacement for Union Gap Fire Station; and (j) Sedro-Woolley Storm Water Repair.

(3) The department shall report to the governor and the appropriate committees of the legislature the final list of projects with funding levels, allotments, and schedules for the projects in this section by January 1, 2020.

Appropriation:

State Building Construction Account—State	\$9,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,300,000

NEW SECTION. Sec. 3304. FOR THE DEPARTMENT OF AGRICULTURE

Craft Brewing and Distilling Center (91000006)

Reappropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

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NEW SECTION. Sec. 3305. FOR THE DEPARTMENT OF AGRICULTURE

Grants to Improve Safety and Access at Fairs (92000003)
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3067, chapter 298, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$48,000
Prior Biennia (Expenditures)	\$2,052,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,100,000

NEW SECTION. Sec. 3306. FOR THE DEPARTMENT OF AGRICULTURE

2019-21 Grants to Improve Safety and Access at Fairs (92000004)

Appropriation:	
State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL

Fire Training Academy Stormwater Remediation (30000030)
Reappropriation:

Fire Service Training Account—State	\$2,832,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,132,000

NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL

FTA Burn Building - Structural Repairs (30000256)
Appropriation:

Fire Service Training Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL

Kennewick Laboratory Renovations and Security Improvements (30000266)
Appropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 4004. FOR THE WASHINGTON STATE PATROL

High Throughput DNA Laboratory (40000002)
The appropriation in this section is subject to the following conditions and limitations: \$277,000 is provided solely for renovations to the crime lab.

Appropriation:	
State Building Construction Account—State	\$277,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$277,000

NEW SECTION. Sec. 4005. FOR THE DEPARTMENT OF TRANSPORTATION

Aviation Revitalization Loans (92000003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6023 of this act.

Reappropriation:	
Public Works Assistance Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

**PART 5
EDUCATION**

NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Pierce County Skills Center (20084856)
Reappropriation:

State Building Construction Account—State	\$472,000
Prior Biennia (Expenditures)	\$35,072,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,544,000

NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2011-13 School Construction Assistance Program (30000071)
Reappropriation:

Common School Construction Account—State	\$719,000
Prior Biennia (Expenditures)	\$529,333,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$530,052,000

NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2013-15 School Construction Assistance Program - Maintenance (30000145)
Reappropriation:

State Building Construction Account—State	\$4,594,000
Prior Biennia (Expenditures)	\$382,788,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$387,382,000

NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Tri-Tech Skills Center East Growth (30000159)
Reappropriation:

State Building Construction Account—State	\$1,702,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,702,000

NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2015-17 School Construction Assistance Program (30000169)
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5013, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:	
Common School Construction Account—State	\$44,700,000
Prior Biennia (Expenditures)	\$509,931,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$554,631,000

NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Emergency Repairs and Equal Access Grants for K-12 Public Schools (30000182)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5001, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$3,795,000
Prior Biennia (Expenditures)	\$2,205,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Healthy Kids / Healthy Schools (30000184)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5002, chapter 298, Laws of 2018.

Reappropriation:

Common School Construction Account—State	\$3,049,000
Prior Biennia (Expenditures)	\$201,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,250,000

NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Skill Centers - Minor Works (30000187)

Reappropriation:

School Construction and Skills Centers Building Account—State	\$2,691,000
Prior Biennia (Expenditures)	\$309,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Tri-Tech Skill Center - Core Growth (30000197)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5004, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$10,807,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,807,000

NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

STEM Classrooms and Labs (30000203)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$11,344,000
Prior Biennia (Expenditures)	\$1,656,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,000,000

NEW SECTION. Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2017-19 School Construction Assistance Program (40000003)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 5003, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$475,282,000
Common School Construction Account—State	\$255,948,000
Subtotal Reappropriation	\$731,230,000
Prior Biennia (Expenditures)	\$217,520,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$948,750,000

NEW SECTION. Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 School Construction Assistance Program - Maintenance Level (40000013)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State	\$879,021,000
Common School Construction Account—State	\$160,032,000
Common School Construction Account—Federal	\$3,000,000
Subtotal Appropriation	\$1,042,053,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,870,192,000
TOTAL	\$5,912,245,000

NEW SECTION. Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

West Sound Technical Skills Center Modernization (40000015)

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$37,306,000
TOTAL	\$37,806,000

NEW SECTION. Sec. 5014. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Pierce County Skills Center - Evergreen Building Modernization (40000016)

Appropriation:

State Building Construction Account—State	\$146,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,240,000
TOTAL	\$5,386,000

NEW SECTION. Sec. 5015. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Administration (40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$261,000 of the appropriation is provided solely for automating the school construction assistance program grant application process, known as the "d-form process," in the inventory and condition of schools database with the following conditions and limitations:

(a) The school facilities and organization division of the office of the superintendent of public instruction, in consultation with the technical advisory committee defined in RCW 28A.525.025, must apply lean management principles and other performance management strategies to the d-form process prior to automating the process to reduce undue administrative burdens on school districts seeking state funding assistance for school construction; and

(b) The office of the superintendent of public instruction must submit a report to the office of financial management and the appropriate fiscal committees of the legislature on the progress and implementation of automating the d-form process by December 1, 2020.

(2)(a) Within the remaining portion of the appropriation, the school facilities and organization division of the office of the superintendent of public instruction, in consultation with the technical advisory committee and the citizens advisory panel defined in RCW 28A.525.025, must apply lean management principles and other performance strategies to the study and

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survey process to reduce undue administrative burdens on school districts seeking state funding assistance for school construction.

(b) The office of the superintendent of public instruction must submit a report to the office of financial management and the appropriate fiscal committees of the legislature on policy recommendations to streamline the study and survey process by December 1, 2020.

Appropriation:

Common School Construction Account—State	\$3,924,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,924,000

NEW SECTION. Sec. 5016. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School District Health and Safety 2019-21 (40000019)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the common school construction account—state appropriation is provided solely for emergency repair grants to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility, and this is the maximum amount that may be spent for this purpose. For emergency repair grants only, an emergency declaration must be signed by the school district board of directors and submitted to the superintendent of public instruction for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

(2) \$3,000,000 of the state building construction account—state appropriation is provided solely for urgent repair grants to address nonrecurring urgent small repair projects at K-12 public schools, excluding skill centers, that could impact the health and safety of students and staff if not completed, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting school districts to one grant, not to exceed \$200,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a comprehensive description of the health and safety issues to be addressed, a detailed description of the remedy, including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Grants may be used for, but are not limited to: Repair or replacement of failing building systems; abatement of potentially hazardous materials; and safety-related structural improvements.

(3) \$1,000,000 of the state building construction account—state appropriation is provided solely for equal access grants for facility repairs and alterations at K-12 public schools, including skills centers, to improve compliance with the Americans with disabilities act and individuals with disabilities education act, and this is the maximum amount that may be spent for this purpose.

The superintendent of public instruction shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting districts to one grant, not to exceed \$100,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a description of the Americans with disabilities act or individuals with disabilities education act compliance deficiency, a comprehensive description of the facility accessibility issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Priority for grant funding must be given to school districts that demonstrate a lack of capital resources to address the compliance deficiencies outlined in the grant application.

(4) The superintendent of public instruction must notify the office of financial management, the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as projects described in subsection (1) of this section are approved for funding.

Appropriation:

State Building Construction Account—State	\$4,000,000
Common School Construction Account—State	\$2,000,000
Subtotal Appropriation	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$30,000,000

NEW SECTION. Sec. 5017. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Healthy Kids / Healthy Schools 2019-21 (40000021)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the common school construction account—state appropriation is provided solely for Washington Green Schools for planning and developing green stormwater infrastructure on public school properties that have been identified as needing to reduce stormwater runoff. The office must identify infrastructure project locations based on GIS mapping and must prioritize schools with high percentages of enrollments eligible for the free and reduced price meal program to provide equity of opportunity in high need communities. It is the intent of the legislature that these projects be used to engage students and be completed in conjunction with K-12 STEM education curriculum developed to meet next generation climate standards.

(2) The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts and the department of health, shall develop or use its previously developed criteria for providing funding for specific projects that are consistent with the healthiest next generation priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools may apply for grants but no single district may receive more than \$200,000 of the appropriation;

(b) Any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and

(c) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

- (3) The remaining portion of the appropriation may be used:
- (a) For water bottle filling stations, which may include replacement of lead-contaminated drinking water fixtures.
 - (b) To purchase equipment or make repairs related to improving children's physical health which may include, but is not limited to: Fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation.
 - (c) To purchase equipment or make repairs related to improving children's nutrition which may include, but is not limited to: Garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

Appropriation:

Common School Construction Account—State	\$3,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,250,000

NEW SECTION. Sec. 5018. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Skills Centers Minor Works (40000023)

Appropriation:

State Building Construction Account—State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$15,000,000

NEW SECTION. Sec. 5019. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 Career Preparation and Launch Equipment Grants (40000032)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the superintendent of public instruction to provide competitive grants to school districts to purchase and install career and technical education equipment that expands work-integrated learning opportunities.
- (2) The office of the superintendent of public instruction, after consulting with school districts and the workforce training and education coordinating board, shall develop criteria and assurances for providing funding and outcomes for specific projects through a competitive grant program to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but not be limited to, the following:

- (a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and
- (b) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.
- (3) No single district may receive more than \$100,000 of the appropriation.

Appropriation:

Common School Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5020. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

STEM Pilot Program (91000402)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

State Building Construction Account—State	\$3,046,000
Prior Biennia (Expenditures)	\$9,454,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,500,000

NEW SECTION. Sec. 5021. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Career and Technical Education Equipment Grants (91000408)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5005, chapter 298, Laws of 2018.

Reappropriation:

Common School Construction Account—State	\$385,000
Prior Biennia (Expenditures)	\$615,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5022. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Puget Sound Skills Center (92000007)

Reappropriation:

State Building Construction Account—State	\$67,000
Prior Biennia (Expenditures)	\$20,866,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,933,000

NEW SECTION. Sec. 5023. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

K-3 Class-size Reduction Grants (92000039)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5006, chapter 35, Laws of 2016 sp. sess., with the following exception: Before June 30, 2020, the superintendent must verify that projects receiving grant awards under this section are either in the design phase or under construction, or funding for those projects shall lapse on that date.

Reappropriation:

State Building Construction Account—State	\$109,454,000
Prior Biennia (Expenditures)	\$125,046,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$234,500,000

NEW SECTION. Sec. 5024. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Small Rural District Modernization Grants (92000040)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5008, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$41,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$41,000,000

NEW SECTION. Sec. 5025. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000041)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5007, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$41,585,000
Prior Biennia (Expenditures)	\$3,901,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,486,000

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NEW SECTION. Sec. 5026. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Everett Pathways to Medical Education (92000123)

Reappropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 5027. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Agricultural Science in Schools Grant to FFA Foundation (92000122)

Appropriation:

State Building Construction Account—State	\$1,750,000
Prior Biennia (Expenditures)	\$1,750,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 5028. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 Small District Modernization Grants (92000139)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that small school districts with total enrollments of one thousand students or less may have school facilities with significant building systems deficiencies and low property values, and that raising enough funds to participate in the school construction assistance program to replace or modernize their school facilities would present an extraordinary tax burden on property owners or would exceed allowable debt.

(2) \$200,000 of the appropriation is provided solely for the office of the superintendent of public instruction to administer the grant program and provide technical assistance to small school districts seeking grants funded in this section.

(3) \$1,000,000 of the appropriation is provided solely for planning grants for small school districts interested in seeking modernization grants in subsection (4) of this section. The superintendent may prioritize planning grants for school districts with the most serious building deficiencies and the most limited financial capacity. Planning grants may not exceed \$50,000 per district.

(4) The remaining portion of the appropriation is provided solely for modernization grants for small school districts with significant building system deficiencies and limited financial capacity with the following conditions:

(a) The superintendent of public instruction must appoint an advisory committee whose members have experience in financing and managing school facilities in small school districts to assist the office in designing the grant application process, developing the prioritization criteria, and evaluating the grant applications. Advisory committee members may not be involved in developing projects or applying for grants funded in this section.

(b) In addition to prioritization criteria developed by the office of the superintendent of public instruction and the advisory committee pursuant to (4)(a) of this section, the office and the advisory committee must also prioritize projects that: (i) Improve student health, safety, and academic performance for the largest number of students; (ii) provide the most available school district resources, including in-kind resources; and (iii) make use of mass-timber products, including cross-laminated timber, or aggregates and concretes materials.

(c) The superintendent must submit a list of small school district modernization projects, as prioritized by the advisory committee, to the legislature by January 15, 2020. The list must include: (i) A description of the project; (ii) the proposed state

funding level, not to exceed \$5,000,000; (iii) estimated total project costs; and (iv) local funding resources. The appropriated funds in this subsection may be awarded only after the legislature approves the list.

(5) For projects in this section that are also eligible for funding through the school construction assistance program, the office of the superintendent of public instruction must expedite and streamline the administrative requirements, timelines, and matching requirements for the funds provided in this section to be used promptly. Funds provided in this section plus state funds provided in the school construction assistance program grant must not exceed total project costs minus available local resources.

Appropriation:

State Building Construction Account—State	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION. Sec. 5029. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2019-21 STEM Grants (92000140)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the Laser Interferometer Gravitational-Wave Observatory (LIGO) STEM Observatory in Richland, Washington.

Appropriation:

State Building Construction Account—State	\$7,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,700,000

NEW SECTION. Sec. 5030. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000142)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,400,000 of the appropriation in this section is provided solely for classroom additions and other modernizations at Leschi elementary school in Seattle public schools.

(2) \$10,500,000 of the appropriation in this section is provided solely for classroom additions at Madison middle school in Seattle public schools.

(3) \$3,100,000 of the appropriation in this section is provided solely for heating and ventilation upgrades at North Beach elementary school in Seattle public schools.

(4) The remaining portion of the appropriation is provided solely for competitive grants for modular classrooms made with mass timber products, including cross-laminated timber, for the purpose of replacing portables in school districts with space challenges due to unavailable land for new school facilities to accommodate enrollment growth or with an overdependent use of portables to provide classroom space. The grants are subject to the following conditions and limitations:

(a) School districts are responsible for the costs of site preparation; required permits; delivery and installation of the modular classrooms; furnishings, fixtures, and equipment; utility connections; and any other infrastructure costs related to the modular classrooms;

(b) The office of the superintendent of public instruction must prioritize projects based on the following criteria in the following order:

(i) School districts with high ratios of portable classrooms to permanent classrooms;

(ii) School districts with low acreage of land available for new construction;

(iii) Projects that achieve lowest cost per classroom with highest percentage of mass timber products in the overall construction of the project; and

(iv) Projects that demonstrate multistory application of mass timber products.

Appropriation:

State Building Construction Account—State	\$23,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,000,000

NEW SECTION. Sec. 5031. FOR THE STATE SCHOOL FOR THE BLIND

2017-19 Campus Preservation (30000100)
Reappropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$420,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$570,000

NEW SECTION. Sec. 5032. FOR THE STATE SCHOOL FOR THE BLIND

Independent Living Skills Center (30000107)
Reappropriation:

State Building Construction Account—State	\$143,000
Prior Biennia (Expenditures)	\$27,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$170,000

NEW SECTION. Sec. 5033. FOR THE STATE SCHOOL FOR THE BLIND

2019-21 Campus Preservation (40000004)
Appropriation:

State Building Construction Account—State	\$580,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,320,000
TOTAL	\$2,900,000

NEW SECTION. Sec. 5034 FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Academic and Physical Education Building (30000036)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5009, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$786,000
Prior Biennia (Expenditures)	\$214,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5035. FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Minor Works: Preservation 2019-21 (30000045)

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$4,500,000

NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma (20102002)

The appropriation in this section is subject to the following conditions and limitations: At least ten percent of the total cost of this project must be paid from private funds.

Appropriation:

University of Washington Building Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$36,000,000
TOTAL	\$40,500,000

NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell (30000378)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,343,000 of the appropriations in this section is provided solely for project and equipment costs associated with the space used by Cascadia college pursuant to subsection (2)(b) and (c) of this section.

(2) The remaining portion of the appropriations in this section is provided solely for a STEM building on the Bothell campus of the University of Washington to be shared jointly with Cascadia college with the following conditions and limitations:

(a) The University of Washington and Cascadia college must be tenants in common of the building constructed with this appropriation;

(b) The University of Washington and Cascadia college shall have joint, equal, and undivided authority in the governance of the design, construction, and operation of the building;

(c) Half of the assignable space constructed with this appropriation must be designed for and exclusively used by Cascadia college; and

(d) Cascadia college shall pay no rent or operations and maintenance expenses to the University of Washington for the space used by Cascadia college pursuant to (c) of this subsection.

(3) The building may be delivered using the design-build procedure for public works projects, as defined by chapter 39.10 RCW, with a guarantee for energy, operations, and maintenance performance. The term for performance guarantee must not be less than one year. Criteria for selecting the design-build contractor must include life-cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(4) The building must be built using sustainable building standards as defined in section 7009 of this act.

Reappropriation:

State Building Construction Account—State	\$3,118,000
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Appropriation:

State Building Construction Account—State	\$75,938,000
Prior Biennia (Expenditures)	\$382,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$79,438,000

NEW SECTION. Sec. 5038. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Education - T-Wing Renovation/Addition (30000486)

Reappropriation:

State Building Construction Account—State	\$9,400,000
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Appropriation:

State Building Construction Account—State	\$58,000,000
University of Washington Building Account—State	\$2,000,000
Subtotal Appropriation	\$60,000,000
Prior Biennia (Expenditures)	\$1,223,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$70,623,000

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NEW SECTION. Sec. 5039. FOR THE UNIVERSITY OF WASHINGTON

College of Engineering Interdisciplinary/Education Research Center (30000492)

Appropriation:

University of Washington Building Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$600,000
Future Biennia (Projected Costs)	\$45,000,000
TOTAL	\$49,600,000

NEW SECTION. Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON

2017-19 Minor Works - Preservation (30000736)

Reappropriation:

University of Washington Building Account—State	\$10,500,000
Prior Biennia (Expenditures)	\$19,975,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,475,000

NEW SECTION. Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON

UW Major Infrastructure (30000808)

Reappropriation:

University of Washington Building Account—State	\$14,500,000
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Appropriation:

University of Washington Building Account—State	\$15,000,000
Prior Biennia (Expenditures)	\$3,000,000
Future Biennia (Projected Costs)	\$22,000,000
TOTAL	\$54,500,000

NEW SECTION. Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON

Evans School - Parrington Hall Renovation (30000810)

Reappropriation:

State Building Construction Account—State	\$8,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 5043. FOR THE UNIVERSITY OF WASHINGTON

2019-21 Minor Works - Preservation (40000004)

Appropriation:

University of Washington Building Account—State	\$43,466,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$141,864,000
TOTAL	\$185,330,000

NEW SECTION. Sec. 5044. FOR THE UNIVERSITY OF WASHINGTON

Behavioral Health Teaching Facility (40000038)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1593 (behavioral health teaching facility). The appropriation provided may be used for predesign, siting, and design costs. If the bill is not enacted by June 30, 2019, the amount provided in this section shall lapse.

(b) The university must submit the predesign to the appropriate legislative committees by February 1, 2020.

(2) The behavioral health teaching facility must provide a minimum of fifty long-term civil commitment beds, fifty

geriatric/voluntary psychiatric beds, and fifty licensed medical/surgery beds, with the capacity to treat patients with psychiatric diagnoses and/or substance use disorders. The project construction must also include construction of a 24/7 telehealth consultation program within the facility.

Appropriation:

State Building Construction Account—State	\$33,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$191,250,000
TOTAL	\$224,500,000

NEW SECTION. Sec. 5045. FOR THE UNIVERSITY OF WASHINGTON

Ctr for Advanced Materials and Clean Energy Research Test Beds (91000016)

Reappropriation:

State Building Construction Account—State	\$18,500,000
Prior Biennia (Expenditures)	\$10,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,000,000

NEW SECTION. Sec. 5046. FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (91000024)

Appropriation:

University of Washington Building Account—State	\$25,825,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,825,000

NEW SECTION. Sec. 5047. FOR THE UNIVERSITY OF WASHINGTON

Behavioral Health Institute at Harborview Medical Center (91000025)

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 5048. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Campus Soil Remediation (92000002)

Appropriation:

Model Toxics Control Capital Account—State	\$1,800,000
Prior Biennia (Expenditures)	\$6,124,000
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$11,924,000

NEW SECTION. Sec. 5049. FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Pullman - Plant Sciences Building (REC#5) (30000519)

Reappropriation:

State Building Construction Account—State	\$26,213,000
Prior Biennia (Expenditures)	\$32,887,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$59,100,000

NEW SECTION. Sec. 5050. FOR THE WASHINGTON STATE UNIVERSITY

Washington State University Tri-Cities - Academic Building (30001190)

Reappropriation:

State Building Construction Account—State	\$2,267,000
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Appropriation:

State Building Construction Account—State	\$27,000,000
Prior Biennia (Expenditures)	\$1,133,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,400,000

NEW SECTION. Sec. 5051. FOR THE WASHINGTON STATE UNIVERSITY

Global Animal Health Building (30001322)
 Reappropriation:

State Building Construction Account—State	\$7,000,000
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Appropriation:

State Building Construction Account—State	\$36,400,000
Prior Biennia (Expenditures)	\$16,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$59,400,000

NEW SECTION. Sec. 5052. FOR THE WASHINGTON STATE UNIVERSITY

2017-19 Minor Works - Preservation (MCR) (30001342)
 Reappropriation:

Washington State University Building Account—	
State	\$2,500,000
Prior Biennia (Expenditures)	\$19,795,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,295,000

NEW SECTION. Sec. 5053. FOR THE WASHINGTON STATE UNIVERSITY

Everett Real Estate Acquisition (40000006)
 Appropriation:

Washington State University Building Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 5054. FOR THE WASHINGTON STATE UNIVERSITY

Minor Capital Program (MCI&Omn Eqp): 2019-21 (40000010)
 Appropriation:

Washington State University Building Account—	
State	\$5,328,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,328,000

NEW SECTION. Sec. 5055. FOR THE WASHINGTON STATE UNIVERSITY

Minor Capital Preservation (MCR): 2019-21 (40000011)
 Appropriation:

Washington State University Building Account—	
State	\$21,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$85,600,000
TOTAL	\$107,000,000

NEW SECTION. Sec. 5056. FOR THE WASHINGTON STATE UNIVERSITY

Spokane-Biomedical and Health Sc Building Ph II (40000012)
 Appropriation:

Washington State University Building Account—	
State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$83,600,000
TOTAL	\$84,100,000

NEW SECTION. Sec. 5057. FOR THE WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (91000041)
 Appropriation:

Washington State University Building Account—	
State	\$10,115,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,115,000

NEW SECTION. Sec. 5058. FOR THE EASTERN WASHINGTON UNIVERSITY

Interdisciplinary Science Center (30000001)
 Reappropriation:

State Building Construction Account—State	\$55,000,000
Prior Biennia (Expenditures)	\$17,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$72,200,000

NEW SECTION. Sec. 5059. FOR THE EASTERN WASHINGTON UNIVERSITY

Science Renovation (30000507)
 Appropriation:

State Building Construction Account—State	\$7,937,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$103,838,000
TOTAL	\$112,125,000

NEW SECTION. Sec. 5060. FOR THE EASTERN WASHINGTON UNIVERSITY

Engineering Building (30000556)
 Reappropriation:

Eastern Washington University Capital Projects Account—State	\$245,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$56,695,000
TOTAL	\$57,040,000

NEW SECTION. Sec. 5061. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works: Preservation 2019-21 (40000011)
 Appropriation:

Eastern Washington University Capital Projects Account—State	\$6,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,000,000
TOTAL	\$32,500,000

NEW SECTION. Sec. 5062. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works: Program 2019-21 (40000015)
 Appropriation:

Eastern Washington University Capital Projects Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$12,500,000

NEW SECTION. Sec. 5063. FOR THE EASTERN WASHINGTON UNIVERSITY

Infrastructure Renewal II (40000016)
 Appropriation:

State Building Construction Account—State	\$15,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,000,000

NEW SECTION. Sec. 5064. FOR THE EASTERN WASHINGTON UNIVERSITY

Preventative Maintenance/Backlog Reduction (40000017)

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Appropriation:
 Eastern Washington University Capital Projects
 Account—State \$2,217,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,217,000

NEW SECTION. Sec. 5065. FOR THE EASTERN WASHINGTON UNIVERSITY

Albers Court Improvements (40000036)
 Appropriation:
 State Building Construction Account—State \$4,953,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,953,000

NEW SECTION. Sec. 5066. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (91000019)
 Reappropriation:
 Eastern Washington University Capital Projects
 Account—State \$3,000,000
 Prior Biennia (Expenditures) \$4,500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,500,000

NEW SECTION. Sec. 5067. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Program (91000021)
 Reappropriation:
 Eastern Washington University Capital Projects
 Account—State \$1,500,000
 Prior Biennia (Expenditures) \$1,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,500,000

NEW SECTION. Sec. 5068. FOR THE CENTRAL WASHINGTON UNIVERSITY

Nutrition Science (30000456)
 Reappropriation:
 State Building Construction Account—State \$21,550,000
 Appropriation:
 State Building Construction Account—State \$32,000,000
 Prior Biennia (Expenditures) \$6,030,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$59,580,000

NEW SECTION. Sec. 5069. FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation (30000783)
 Reappropriation:
 Central Washington University Capital Projects
 Account—State \$500,000
 Prior Biennia (Expenditures) \$7,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,500,000

NEW SECTION. Sec. 5070. FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works Program: 2019-21 (40000007)
 Appropriation:
 Central Washington University Capital Projects
 Account—State \$1,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$4,000,000
 TOTAL \$5,000,000

NEW SECTION. Sec. 5071. FOR THE CENTRAL WASHINGTON UNIVERSITY

Health Education (40000009)
 Appropriation:
 State Building Construction Account—State \$5,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$55,000,000
 TOTAL \$60,000,000

NEW SECTION. Sec. 5072. FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works Preservation: 2019-21 (40000041)
 Appropriation:
 Central Washington University Capital Projects
 Account—State \$7,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$28,000,000
 TOTAL \$35,000,000

NEW SECTION. Sec. 5073. FOR THE CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (910000018)
 Appropriation:
 Central Washington University Capital Projects
 Account—State \$2,422,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,422,000

NEW SECTION. Sec. 5074. FOR THE EVERGREEN STATE COLLEGE

Lab I Seismic and HVAC Renovation (30000586)
 Appropriation:
 State Building Construction Account—State \$4,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 5075. FOR THE EVERGREEN STATE COLLEGE

Critical Power, Safety, and Security Systems (30000613)
 Reappropriation:
 State Building Construction Account—State \$8,600,000
 Prior Biennia (Expenditures) \$1,900,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$10,500,000

NEW SECTION. Sec. 5076. FOR THE EVERGREEN STATE COLLEGE

Health and Counseling Center (30000614)
 Reappropriation:
 State Building Construction Account—State \$400,000
 Appropriation:
 State Building Construction Account—State \$5,400,000
 Prior Biennia (Expenditures) \$100,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,900,000

NEW SECTION. Sec. 5077. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Master Plan (40000021)
 The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the development of an innovative integrated infrastructure master plan at The Evergreen State College. The plan must detail a capital improvement strategy to transition the Olympia campus

legacy infrastructure to a world-class set of integrated systems that supply highly reliable and optimized services for power, heat, clean water, wastewater, storm water, and solid waste.

(2) The infrastructure master plan may be developed by a consultant team selected through a design competition between private sector construction management firms experienced in performance contracting with the following conditions:

(a) No more than four firms may be selected to compete, and no more than three honoraria may be awarded to the unsuccessful competitors; and

(b) Criteria for selecting the consultant team may include, but is not limited to, the ability to create a plan that is affordable; creates greater resiliency, adaptability, and continuous improvement; and greater environmental performance.

(5) Any improvements to infrastructure from the infrastructure master plan must be maintained and operated by the staff of The Evergreen State College.

Appropriation:

The Evergreen State College Capital Projects	
Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,909,000
TOTAL	\$31,409,000

NEW SECTION. Sec. 5078. FOR THE EVERGREEN STATE COLLEGE

Facilities Preservation (91000010)

Reappropriation:

The Evergreen State College Capital Projects	
Account—State	\$1,100,000
Prior Biennia (Expenditures)	\$6,400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

NEW SECTION. Sec. 5079. FOR THE EVERGREEN STATE COLLEGE

Historic Lord Mansion (91000029)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5016, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$404,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$504,000

NEW SECTION. Sec. 5080. FOR THE EVERGREEN STATE COLLEGE

Minor Works—Preservation: 2019-21 (91000031)

Appropriation:

State Building Construction Account—State	\$1,000,000
The Evergreen State College Capital Projects	
Account—State	\$4,866,000
Subtotal Appropriation	\$5,866,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$29,866,000

NEW SECTION. Sec. 5081. FOR THE EVERGREEN STATE COLLEGE

Minor Works Program: 2019-21 (91000033)

Appropriation:

The Evergreen State College Capital Projects	
Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$7,500,000

NEW SECTION. Sec. 5082. FOR THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (91000034)

Appropriation:

The Evergreen State College Capital Projects	
Account—State	\$880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$880,000

NEW SECTION. Sec. 5083. FOR THE WESTERN WASHINGTON UNIVERSITY

Access Control Security Upgrades (30000604)

Reappropriation:

Western Washington University Capital Projects	
Account—State	\$750,000
Prior Biennia (Expenditures)	\$750,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 5084. FOR THE WESTERN WASHINGTON UNIVERSITY

Sciences Building Addition & Renovation (30000768)

Reappropriation:

State Building Construction Account—State	\$4,000,000
Appropriation:	
State Building Construction Account—State	\$60,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$66,000,000

NEW SECTION. Sec. 5085. FOR THE WESTERN WASHINGTON UNIVERSITY

2017-19 Classroom & Lab Upgrades (30000769)

Reappropriation:

State Building Construction Account—State	\$3,500,000
Western Washington University Capital Projects	
Account—State	\$450,000
Subtotal Reappropriation	\$3,950,000
Prior Biennia (Expenditures)	\$2,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,650,000

NEW SECTION. Sec. 5086. FOR THE WESTERN WASHINGTON UNIVERSITY

Elevator Preservation Safety and ADA Upgrades (30000772)

Reappropriation:

State Building Construction Account—State	\$1,800,000
Western Washington University Capital Projects	
Account—State	\$1,000,000
Subtotal Reappropriation	\$2,800,000
Prior Biennia (Expenditures)	\$388,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,188,000

NEW SECTION. Sec. 5087. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation (30000781)

Reappropriation:

State Building Construction Account—State	\$1,100,000
Western Washington University Capital Projects	
Account—State	\$3,000,000
Subtotal Reappropriation	\$4,100,000
Prior Biennia (Expenditures)	\$2,079,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,179,000

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NEW SECTION. Sec. 5088. FOR THE WESTERN WASHINGTON UNIVERSITY

2019-21 Classroom & Lab Upgrades (30000869)

Appropriation:

State Building Construction Account—State	\$2,500,000
Western Washington University Capital Projects Account—State	\$500,000
Subtotal Appropriation	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 5089. FOR THE WESTERN WASHINGTON UNIVERSITY

Electrical Engineering/Computer Science Building (30000872)

The appropriation in this section is subject to the following conditions and limitations: The legislature intends to provide funding for both design and construction of this project in the 2021-2023 biennium. At least 10.0 percent of the total cost of this project must be paid from private funds.

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$46,000,000
TOTAL	\$48,000,000

NEW SECTION. Sec. 5090. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation: 2019-21 (30000873)

Appropriation:

Western Washington University Capital Projects Account—State	\$6,846,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$55,768,000
TOTAL	\$62,614,000

NEW SECTION. Sec. 5091. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Program: 2019-21 (30000885)

Appropriation:

Western Washington University Capital Projects Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$31,136,000
TOTAL	\$32,136,000

NEW SECTION. Sec. 5092. FOR THE WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (91000013)

Appropriation:

Western Washington University Capital Projects Account—State	\$3,614,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,614,000

NEW SECTION. Sec. 5093. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (30000237)

Reappropriation:

State Building Construction Account—State	\$643,000
Prior Biennia (Expenditures)	\$9,054,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,697,000

NEW SECTION. Sec. 5094. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation (30000288)

Reappropriation:

State Building Construction Account—State	\$1,350,000
Prior Biennia (Expenditures)	\$2,150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 5095. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grants Projects (30000297)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5054, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$7,885,000
Prior Biennia (Expenditures)	\$1,101,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,986,000

NEW SECTION. Sec. 5096. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Strategic Facility Master Plan (40000004)

Reappropriation:

State Building Construction Account—State	\$42,000
Prior Biennia (Expenditures)	\$33,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000

NEW SECTION. Sec. 5097. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Heritage Capital Grant Projects: 2019-21 (40000014)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Metro Parks Tacoma - W.W. Seymour Botanical Conservatory Rehab	\$773,000
Discover Your Northwest - Chittenden Locks Fish Ladder Viewing	\$382,000
Foss Waterway Seaport - Balfour Dock Building: Phase III	\$307,000
City of Tumwater, WA - Old Brewhouse Tower Rehab	\$513,000
Gig Harbor - Harbor History Museum - Fishing Vessel Shenandoah	\$100,000
City of Vancouver, Washington - Re-roof 3 Bldgs Officer's Row	\$150,000
NW School of Wooden Boatbuilding - Expanding Public Access	\$240,000
Kalispel Tribe - Restoration of Our Lady of Sorrows Church	\$33,000
KC Dept. of Natural Resources - Mukai Farmstead & Garden Preserv	\$600,000
City of Edmonds - Edmonds Museum (Carnegie Library Restoration)	\$74,000
Vancouver National Historic Reserve Trust - Renovate Providence	\$490,000
Washington Trust for Historic Preservation - Stimson-Green Mansion	\$100,000
Phinney Neighborhood Association - John B. Allen School	\$30,000
PNW Railroad Archive - Mounting rails	\$47,000
City of Roslyn - Historic Community Center, Library,	

& City Hall	\$233,000
Quincy Valley Historical Society & Museum - Comm	
Heritage Barn	\$41,000
The NW Railway Museum - Puget Sound Electric Railway	
Interurban	\$229,000
The Cutter Theatre - 1912 Metaline Falls School	
Re-Roofing	\$26,000
Delridge Neighborhoods Dev Assoc - Structural	
improvements	\$299,000
Seattle City Light - Continue Georgetown Steam	
Plan	\$773,000
Skagit County Historical Society - Skagit City	
School Rehab	\$22,000
Mount Baker Theatre - Mount Baker Theatre	
Preservation	\$1,000,000
North Bay Historical Society - Sargent Oyster House	
Restoration	\$160,000
City of Lynnwood - Heritage Park Water Tower Phase II	
Renovation	\$124,000
Town of Waverly - Restoration of Prairie View	
Schoolhouse	\$55,000
City of Lacey - Renovating Lacey warehouse for	
new museum	\$979,000
Northwest Schooner Society - Restoration 1906 Keepers	
Quarters	\$82,000
Sammamish Heritage Society - Reard House Phase III:	
Reconstruct	\$123,000
Cheney Depot Society - Cheney Depot Relocation &	
Rehabilitation	\$367,000
The 5th Ave Theatre Assoc - Theatre Upgrade:	
Auditorium	\$560,000
Highline Historical Society - Phase 3: Highline Heritage	
Museum	\$71,000
University Place Historical Society - Curran House	
History Museum	\$41,000
Coupeville Maritime Heritage Foundation - Preserv of	
vessel Suva	\$71,000
Fort Worden Public Development Authority - Sage Arts &	
Ed Ctr	\$560,000
South Pierce County Historical Society - Eatonville	
Tofu House	\$15,000
City of Everett - Van Valley Home lead Abatement &	
Pres	\$67,000
Appropriation:	
State Building Construction Account—State	\$9,737,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,737,000

NEW SECTION. Sec. 5098. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation: 2019-21 (40000086)	
Appropriation:	
State Building Construction Account—State	\$1,545,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,543,000
TOTAL	\$11,088,000

NEW SECTION. Sec. 5099. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation (40000001)	
Reappropriation:	
State Building Construction Account—State	\$332,000
Prior Biennia (Expenditures)	\$438,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$770,000

NEW SECTION. Sec. 5100. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell and Carriage House Repairs and Restoration (40000017)	
Appropriation:	
State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5101. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation: 2019-21 (40000026)	
Appropriation:	
State Building Construction Account—State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,200,000
TOTAL	\$4,000,000

NEW SECTION. Sec. 5102. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Health Careers Center (20082701)	
Reappropriation:	
State Building Construction Account—State	\$14,000
Prior Biennia (Expenditures)	\$34,447,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,461,000

NEW SECTION. Sec. 5103. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Palmer Martin Building (30000121)	
Reappropriation:	
State Building Construction Account—State	\$953,000
Prior Biennia (Expenditures)	\$19,287,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,240,000

NEW SECTION. Sec. 5104. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: College Instruction Center (30000122)	
Reappropriation:	
State Building Construction Account—State	\$1,737,000
Prior Biennia (Expenditures)	\$48,403,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,140,000

NEW SECTION. Sec. 5105. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia Community College: Student Services (30000123)	
Reappropriation:	
State Building Construction Account—State	\$276,000
Prior Biennia (Expenditures)	\$34,330,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,606,000

NEW SECTION. Sec. 5106. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Allied Health and Early Childhood Dev Center (30000126)	
Reappropriation:	
State Building Construction Account—State	\$433,000
Prior Biennia (Expenditures)	\$25,167,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,600,000

NEW SECTION. Sec. 5107. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

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Grays Harbor College: Student Services and Instructional Building (30000127)

Reappropriation:	
State Building Construction Account—State	\$3,480,000
Prior Biennia (Expenditures)	\$671,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,151,000

NEW SECTION. Sec. 5108. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Cascade Court (30000128)

Reappropriation:	
State Building Construction Account—State	\$441,000
Prior Biennia (Expenditures)	\$29,877,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,318,000

NEW SECTION. Sec. 5109. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Technology Building Renewal (30000129)

Reappropriation:	
State Building Construction Account—State	\$569,000
Prior Biennia (Expenditures)	\$24,847,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,416,000

NEW SECTION. Sec. 5110. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: North County Satellite (30000135)

Reappropriation:	
State Building Construction Account—State	\$5,494,000
Prior Biennia (Expenditures)	\$194,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,688,000

NEW SECTION. Sec. 5111. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Learning Resource Center (30000136)

Reappropriation:	
State Building Construction Account—State	\$3,835,000
Prior Biennia (Expenditures)	\$180,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,015,000

NEW SECTION. Sec. 5112. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Science, Engineering, Technology Bldg (30000137)

Reappropriation:	
State Building Construction Account—State	\$34,809,000
Prior Biennia (Expenditures)	\$12,268,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$47,077,000

NEW SECTION. Sec. 5113. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College: Learning Commons (30000138)

Reappropriation:	
State Building Construction Account—State	\$27,244,000
Prior Biennia (Expenditures)	\$9,530,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$36,774,000

NEW SECTION. Sec. 5114. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Big Bend: Professional-Technical Education Center (30000981)

Reappropriation:	
State Building Construction Account—State	\$24,056,000
Prior Biennia (Expenditures)	\$13,330,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$37,386,000

NEW SECTION. Sec. 5115. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane: Main Building South Wing Renovation (30000982)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5025, chapter 298, Laws of 2018.

Reappropriation:	
State Building Construction Account—State	\$14,119,000
Prior Biennia (Expenditures)	\$14,387,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,506,000

NEW SECTION. Sec. 5116. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline: Health and Life Sciences (30000983)

Reappropriation:	
State Building Construction Account—State	\$17,490,000
Prior Biennia (Expenditures)	\$9,663,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$27,153,000

NEW SECTION. Sec. 5117. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley: Wells Hall Replacement (30000985)

Reappropriation:	
State Building Construction Account—State	\$2,208,000
Appropriation:	
State Building Construction Account—State	\$29,531,000
Prior Biennia (Expenditures)	\$632,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,371,000

NEW SECTION. Sec. 5118. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic: Shop Building Renovation (30000986)

Reappropriation:	
State Building Construction Account—State	\$948,000
Appropriation:	
State Building Construction Account—State	\$7,652,000
Prior Biennia (Expenditures)	\$5,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,605,000

NEW SECTION. Sec. 5119. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Reappropriation:	
State Building Construction Account—State	\$3,278,000
Appropriation:	
State Building Construction Account—State	\$31,592,000
Prior Biennia (Expenditures)	\$230,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,100,000

NEW SECTION. Sec. 5120. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Automotive Technology Renovation and Expansion (30000988)

Reappropriation:

State Building Construction Account—State	\$1,782,000
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Appropriation:

State Building Construction Account—State	\$23,376,000
Prior Biennia (Expenditures)	\$719,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,877,000

NEW SECTION. Sec. 5121. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Medical Mile Health Science Center (30000989)

Reappropriation:

State Building Construction Account—State	\$2,933,000
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Appropriation:

State Building Construction Account—State	\$40,828,000
Prior Biennia (Expenditures)	\$305,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,066,000

NEW SECTION. Sec. 5122. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement (30000990)

Reappropriation:

State Building Construction Account—State	\$2,902,000
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Appropriation:

State Building Construction Account—State	\$36,642,000
Prior Biennia (Expenditures)	\$690,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,234,000

NEW SECTION. Sec. 5123. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Library Building Renovation (30001451)

Reappropriation:

State Building Construction Account—State	\$3,419,000
Prior Biennia (Expenditures)	\$29,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,448,000

NEW SECTION. Sec. 5124. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Science and Technology Building Replacement (30001452)

Reappropriation:

State Building Construction Account—State	\$1,093,000
Prior Biennia (Expenditures)	\$63,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,156,000

NEW SECTION. Sec. 5125. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Center for Science and Technology (30001453)

Reappropriation:

State Building Construction Account—State	\$165,000
Prior Biennia (Expenditures)	\$131,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$296,000

NEW SECTION. Sec. 5126. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Fine and Applied Arts Replacement (30001458)

Reappropriation:

State Building Construction Account—State	\$2,616,000
Prior Biennia (Expenditures)	\$211,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,827,000

NEW SECTION. Sec. 5127. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (40000043)

Appropriation:

Community and Technical College Capital Projects Account—State	\$22,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,800,000

NEW SECTION. Sec. 5128. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington: Center for Design (40000102)

Appropriation:

State Building Construction Account—State	\$3,160,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$31,308,000
TOTAL	\$34,468,000

NEW SECTION. Sec. 5129. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic Innovation and Technology Learning Center (40000103)

Appropriation:

State Building Construction Account—State	\$2,552,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,703,000
TOTAL	\$24,255,000

NEW SECTION. Sec. 5130. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (40000112)

Appropriation:

State Building Construction Account—State	\$39,841,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,841,000

NEW SECTION. Sec. 5131. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Fire Service Training Center (40000130)

Appropriation:

State Building Construction Account—State	\$2,802,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	\$32,802,000

NEW SECTION. Sec. 5132. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue: Center for Transdisciplinary Learning and Innovation (40000168)

Appropriation:

State Building Construction Account—State	\$2,839,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$38,476,000
TOTAL	\$41,315,000

NEW SECTION. Sec. 5133. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (40000169)

Appropriation:

State Building Construction Account—State	\$32,318,000
Community and Technical College Capital Projects Account—State	\$6,209,000
Subtotal Appropriation	\$38,527,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

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TOTAL	\$38,527,000
NEW SECTION. Sec. 5134. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM	
Roof Repairs (40000171)	
Appropriation:	
Community and Technical College Capital	
Projects Account—State	\$15,252,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,252,000

NEW SECTION. Sec. 5135. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM	
Site Repairs (40000173)	
Appropriation:	
State Building Construction Account—State	
	\$3,310,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,310,000

NEW SECTION. Sec. 5136. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM	
Minor Works - Preservation (40000258)	
Appropriation:	
Community and Technical College Capital	
Projects Account—State	\$23,739,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,739,000

NEW SECTION. Sec. 5137. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM	
Pierce Puyallup: STEM building (40000293)	
Appropriation:	
State Building Construction Account—State	
	\$3,369,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$37,230,000
TOTAL	\$40,599,000

NEW SECTION. Sec. 5138. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM	
2019-21 Career Preparation and Launch Equipment Grants (40000306)	

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the state board for community and technical colleges to provide competitive grants to community and technical colleges to purchase and install equipment that expands career-connected learning opportunities.

(2) The state board for community and technical colleges shall develop common criteria for providing competitive grant funding and outcomes for specific projects.

Appropriation:	
State Building Construction Account—State	
	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 5139. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM	
Seattle Central College: Suite 140 Medical Assistant Tenant Improvements (91000432)	

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for tenant improvements for suite 140 for the medical assistant program at Seattle Central College.

Appropriation:	
State Building Construction Account—State	
	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

**PART 6
2019 SUPPLEMENTAL CAPITAL BUDGET**

Sec. 6001. 2018 c 2 s 1010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE	
Public Works Assistance Account Construction Loans (30000878)	

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of public works projects:

180th St SE SR 527 Brook Blvd (Snohomish)	\$3,000,000
35th Ave SE Phase II SR 524 to 180th St SE (Snohomish)	\$3,000,000
61st/190th Culvert Replacement & Embankment Repair (Kenmore)	\$1,500,000
Automated Meter Reading System (Birch Bay)	\$1,500,000
Cedar Hills Regional Landfill North Flare Station Repair (King)	\$1,583,000
Cedar Hills Regional Landfill Pump Station Repairs (King)	\$3,000,000
City Street Light Conversion to Light Emitting Diode (Vancouver)	\$4,816,000
Fairview Ave N Bridge Replacement (Seattle)	\$10,000,000
Georgetown Wet Weather Treatment Station (King)	\$3,500,000
(Isaacs Avenue Improvements Phase 2 (Walla Walla))	\$3,962,000
Kennewick Automated Meter Reading Project (Kennewick)	\$6,000,000
(Landslide Repairs (Aberdeen))	\$373,000
McKinnon Creek Wellfield Infrastructure Improvements (Lake Forest)	\$200,000
Miller Street Re-Alignment and Storm Repairs (Wenatchee)	\$4,826,000
(NE 10th Avenue (Clark))	\$10,000,000
Ostrich Creek Culvert Improvements (Bremerton)	\$4,688,000
Pine Basin Watershed Storm Sewer Improvements (Bremerton)	\$3,881,000
(Slater Road/Jordan Creek Fish Passage Project (Whatecom))	\$5,000,000
South Fork McCorkle Creek Stormwater Detention Facility (Lexington)	\$4,700,000
Sudbury Landfill Area 7 Cell 3 Construction (Walla Walla)	\$2,978,000
Sunset Reservoir Rehabilitation (Spokane)	\$1,412,000
Thurston Co. PUD No. 1 Replacement and Upgrades (Thurston)	(\$1,028,000) <u>\$480,000</u>
Tipping Floor Restoration & Safety Upgrades (Lincoln)	\$156,000
US 395/Ridgeline Interchange (Kennewick)	\$6,000,000
Wastewater Reuse Project (Quincy)	\$10,000,000
Appropriation:	
State Taxable Building Construction Account—State	
	(\$97,103,000) <u>\$77,220,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$97,103,000</u> <u>\$77,220,000</u>

Sec. 6002. 2018 c 2 s 1019 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

PWAA Preconstruction and Emergency Loan Programs (40000009)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,000,000 is ~~((provided solely))~~ for the public works board's emergency loan program.

(2) \$14,000,000 is ~~((provided solely))~~ for the public works board's preconstruction loan program.

Appropriation:

State Taxable Building Construction Account—State	\$19,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,000,000

Sec. 6003. 2018 c 298 s 1004 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen)	\$1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello)	\$1,250,000
Adna Elementary Playshed (Chehalis)	\$104,000
Airway Heights Recreation Complex (Airway Heights)	\$515,000
Alder Creek Pioneer Museum Expansion (Bickelton)	\$500,000

Anderson Island Historical Society (Anderson Island)	\$26,000
Appleway Trail Amenities (Spokane Valley)	\$556,000
ARC Community Center Renovation (Bremerton)	\$81,000
Arlington Pocket Park Downtown Business District (Arlington)	\$46,000
Asia Pacific Cultural Center Design and Preconstruction (Tacoma)	\$250,000
Belfair Sewer Extension to Puget Sound Industrial Ctr (Belfair)	\$515,000
Billy Frank Jr. Heritage Center (Olympia)	\$206,000
Bloodworks NW Bloodmobiles	\$425,000
Bothell Parks Projects (Bothell)	\$309,000
Bridgeview Education and Employment Resource Center (Vancouver)	\$500,000
Brier ADA Ramp Updates Phase (Brier)	\$115,000
Camp Schechter New Infrastructure and Dining Hall (Tumwater)	\$200,000
Capitol Campus E. WA Butte (Olympia)	\$52,000
Captain Joseph House (Port Angeles)	\$225,000
Carnation Central Business District Revitalization (Carnation)	\$1,545,000
Castle Rock Fair LED Lighting (Castle Rock)	\$10,000
<u>Centennial Connect Project (Marysville)</u>	<u>\$642,000</u>
Centennial Trail - Southern Extension #1 (Snohomish)	\$1,000,000
Centerville Grange Renovation (Centerville)	\$134,000
Centralia Fox Theatre Restoration (Centralia)	\$299,000
Chamber Economic Development Project (Federal Way)	\$250,000
Chelan County Emergency Operations Center (Wenatchee)	\$1,000,000
Chelatchie Prairie Railroad Maintenance Bldg. Phase 2 (Yacolt)	\$250,000
Cherry St. Fellowship (Seattle)	\$360,000
Children's Playgarden (Seattle)	\$315,000
Chimacum Ridge Forest Pilot (Port Townsend)	\$3,400,000
City of Brewster Manganese Abatement (Brewster)	\$752,000
Cityview Conversion to Residential Treatment (Moses Lake)	\$250,000
Clark County Historical Museum (Vancouver)	\$300,000
Clymer Museum and Gallery Remodel (Ellensburg)	\$258,000
Coastal Harvest Roof Replacement (Hoquiam)	\$206,000
Cocoon House (Everett)	\$1,000,000
College Place Well Consolidation and Replacement (College Place)	\$900,000
Columbia River Trail (Washougal)	\$1,000,000
Confluence Park Improvements (P2&3) (Issaquah)	\$206,000
Country Doctor Community Health Centers (Seattle)	\$280,000
Covington Town Center Civic Plaza Development (Covington)	\$820,000
Cross Park (Puyallup)	\$1,500,000
Daffodil Heritage Float Barn (Puyallup)	\$103,000
Darrington Rodeo Grounds (Darrington)	\$250,000
Des Moines Marina Bulkhead & Fishing Pier Renovation (Des Moines)	\$2,000,000
Disaster Response Communications Project (Colville)	\$1,000,000
District 5 Public Safety Center (Sultan)	\$1,500,000
Downtown Pocket Park at Rockwell (Port Orchard)	\$309,000
DuPont Historical Museum Renovation HVAC (DuPont)	\$53,000
East Grays Harbor Fiber Project (Elma)	\$463,000
East Hill YMCA/Park Renovation (Kent)	\$1,000,000
Eastside Community Center (Tacoma)	\$2,550,000
Ebey Waterfront Trail and Shoreline Access (Marysville)	\$1,000,000

Emmanuel Life Center Kitchen (Spokane)	\$155,000
Ethiopian Community Affordable Senior Housing (Seattle)	\$400,000
Evergreen Pool Resurfacing (White Center)	\$247,000
Fall City Wastewater Infrastructure Planning & Design (Fall City)	\$1,000,000
Family Medicine Remodel (Goldendale)	\$195,000
Federal Way Camera Replacement (Federal Way)	\$250,000
Federal Way Senior Center (Federal Way)	\$175,000
Flood Protection Wall & Storage Building (Sultan)	\$286,000
Food Lifeline Food Bank	\$1,250,000
Forestry Museum Building (Tenino)	\$16,000
Fox Island Catastrophic Emergency Preparation (Fox Island)	\$17,000
Francis Anderson Center Roofing Project (Edmonds)	\$391,000
Freeland Water and Sewer District Sewer Project (Freeland)	\$1,500,000
FUSION Transitional Hse Pgm/FUSION Decor Boutique (Federal Way)	\$500,000
Gig Harbor Sports Complex (Gig Harbor)	\$206,000
Granger Historical Society Museum Acquisition (Granger)	\$255,000
Greater Maple Valley Veterans Memorial Foundation (Maple Valley)	\$258,000
GreenBridge/4th Ave Streetscaping (White Center)	\$1,195,000
Harmony Sports Complex Infrastructure & Safety Imprve (Vancouver)	\$1,177,000
Harrington School District #204, Pool Renovation (Harrington)	\$97,000
Historic Mukai Farm and Garden Restoration (Vashon)	\$250,000
Holly Ridge Center Building (Bremerton)	\$475,000
Honor Point Military and Aerospace Museum (Spokane)	\$100,000
HopeWorks TOD Center (Everett)	\$2,760,000
Hoquiam Library (Hoquiam)	\$250,000
HUB Sports Center (Liberty Lake)	\$516,000
Industrial Park No. 5 Road Improvements (George)	\$412,000
Industrial Park No. 5 Water System Improvements (George)	\$700,000
Inland Northwest Rail Museum (Reardan)	\$170,000
Innovative Health Care Learning Center (Yakima)	\$1,000,000
Interbay PDAC (Seattle)	\$900,000
Intrepid Spirit Center (Tacoma)	\$1,000,000
Islandwood Comm Dining Hall and Kitchen (Bainbridge Island)	\$200,000
Kenmore Public Boathouse (Kenmore)	\$250,000
Key Peninsula Civic Center Generator (Vaughn)	\$60,000
Key Peninsula Elder Community (Lakebay)	\$515,000
Kitchen Upgrade Belfair Senior Center Meals on Wheels (Belfair)	\$12,000
Kitsap Reg. Library Foundation, Silverdale Library (Silverdale)	\$250,000
Kona Kai Coffee Training Center (Tukwila)	\$407,000
La Conner New Regional Library (La Conner)	\$500,000
Lacey Boys and Girls Club (Lacey)	\$30,000
Lake Chelan Community Hospital & Clinic Replacement (Chelan)	\$300,000
Lake City Comm Center, Renovate Magnuson Comm Center (Seattle)	\$2,000,000
Lake Stevens Civic Center (Lake Stevens)	\$3,100,000
Lake Stevens Food Bank (Lake Stevens)	\$300,000

Lake Sylvia State Park Legacy Pavilion (Montesano)	\$696,000
Lake Tye All-Weather Fields (Monroe)	\$800,000
Lakewood Playhouse Lighting System Upgrade (Lakewood)	\$60,000
Lambert House Purchase (Seattle)	\$500,000
Larson Playfield Lighting Renovation (Moses Lake)	\$146,000
Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr (Onalaska)	\$80,000
LIGO STEM Exploration Center (Richland)	\$411,000
Longbranch Marina (Longbranch)	\$248,000
Longview Police Department Range and Training (Castle Rock)	\$271,000
Lyon Creek, SR 104 Fish Barrier Removal (Lake Forest Park)	\$1,200,000
Maury Island Open Space Remediation (Maury Island)	\$2,000,000
McChord Airfield North Clear Zone (Lakewood)	\$2,000,000
Mill Creek Flood Control Project (Kent)	\$2,000,000
Millionair Club Charity Kitchen (Seattle)	\$167,000
Moorlands Park Improvements (Kenmore)	\$250,000
Morrow Manor (Poulsbo)	\$773,000
Mount Baker Properties Cleanup Site (Seattle)	\$1,100,000
Mount Rainier Early Warning System (Pierce County)	\$1,751,000
Mukilteo Tank Farm Remediation (Mukilteo)	\$257,000
Multicultural Community Center (Seattle)	\$1,300,000
NE Snohomish County Community Services Campus (Granite Falls)	\$375,000
NeighborCare Health (Vashon)	\$3,000,000
New Fire Station at Lake Lawrence (Yelm)	\$252,000
North Cove Erosion Control (South Bend)	\$650,000
Northshore Athletic Fields (Woodinville)	\$400,000
Northwest Improvement Company Building (Roslyn)	\$1,000,000
Olmstead-Smith Historical Gardens Replacement Well (Ellensburg)	\$17,000
Orting's Pedestrian Evacuation Crossing SR162 (Orting)	\$500,000
Othello Regional Water Project (Othello)	\$1,000,000
Paradise Point Water Supply System Phase IV (Ridgefield)	\$500,000
Pepin Creek Realignment (Lynden)	\$3,035,000
Performing Arts & Events Center (Federal Way)	\$1,000,000
Pioneer Village ADA Accessible Pathways (Ferndale)	\$154,000
Port Ilwaco/Port Chinook Marina Mtce Drdg & Matl Disps (Chinook)	\$77,000
Port Orchard Marina Breakwater Refurbishment (Port Orchard)	\$1,019,000
Poulsbo Outdoor Salmon Observation Area (Poulsbo)	\$475,000
Puyallup Meeker Mansion Public Plaza (Puyallup)	\$500,000
Quincy Square on 4th (Bremerton)	\$250,000
R.A. Long Park (Longview)	\$296,000
Redondo Beach Rocky Reef (Des Moines)	\$500,000
Ridgefield Outdoor Recreation Complex (Ridgefield)	\$750,000
Rochester Boys & Girls Club upgrades (Rochester)	\$26,000
Save the Old Tower (Pasco)	\$300,000
Schilling Road Fire Station (Lyle)	\$448,000
Scott Hill Park (Woodland)	\$750,000
Seattle Aquarium (Seattle)	\$400,000
Seattle Indian Health Board (Seattle)	\$200,000
Seattle Opera (Seattle)	\$465,000

Shelton Basin 3 Sewer Rehabilitation Project (Shelton)	\$1,500,000
Skagit Co Public Safety Emgcy Commun Ctr Exp/Remodel (Mt. Vernon)	\$525,000
Skagit County Veterans Community Park (Sedro-Woolley)	\$500,000
Skagit Valley YMCA (Mt. Vernon)	\$400,000
Snohomish JROTC Program (Snohomish)	\$189,000
South Gorge Trail (Spokane)	\$250,000
South Snohomish County Community Resource Center (Lynnwood)	\$2,210,000
South Thurston County Meals on Wheels Kitchen Upgrade (Yelm)	\$30,000
Southwest WA Agricultural Business Park (Tenino)	\$618,000
Southwest Washington Fair Grange Building Re-Roof (Chehalis)	\$54,000
Spanaway Lake Management Plan (Spanaway)	\$26,000
Squalicum Waterway Maintenance Dredging (Bellingham)	\$750,000
Steilacoom Historical Museum Storage Building (Steilacoom)	\$31,000
Sunnyside Community Hospital (Sunnyside)	\$2,000,000
Sunset Career Center (Renton)	\$412,000
Sunset Neighborhood Park (Renton)	\$3,050,000
Tacoma's Historic Theater District (Tacoma)	\$1,000,000
Tam O'Shanter Athletic Arena (Kelso)	\$1,000,000
Toledo Beautification (Toledo)	\$52,000
Trout Lake School/Community Soccer & Track Facility (Trout Lake)	\$77,000
Tumwater Boys and Girls Club (Olympia)	\$36,000
Turning Pointe Domestic Violence Svc: Shelter Imprv/Rep (Shelton)	\$27,000
Twisp Civic Building (Twisp)	\$750,000
University YMCA (Seattle)	\$600,000
Veterans Memorial Museum (Chehalis)	\$354,000
Washington Agricultural Education Center (Lynden)	\$1,800,000
Washington Care Services (Seattle)	\$400,000
Washington State Horse Park Covered Arena (Cle Elum)	\$2,000,000
Waste Treatment and Sewer Collection System (Toppenish)	\$1,405,000
Wastewater Collection & Water Distribution Replacemnt (Carbonado)	\$1,500,000
Water Treatment for Kidney Dialysis	\$499,000
Wayne Golf Course Region Park (Bothell)	\$1,000,000
Wesley Homes Bradley Park (Puyallup)	\$1,380,000
Westport Marina (Westport)	\$2,500,000
Weyerhaeuser Land Preservation (Federal Way)	(\$750,000) <u>\$1,250,000</u>
Whidbey Island Youth Project (Oak Harbor and Coupeville)	\$300,000
White Pass Country Historical Museum (Packwood)	\$283,000
Whitehouse Additional Capital Campaign (Pasco)	\$1,500,000
Willows Road Regional Trail Connection (Kirkland)	\$1,442,000
Winlock HS Track (Winlock)	\$103,000
Winlock Industrial Infrastructure Development (Winlock)	\$1,500,000
Wishram School CTE Facility (Wishram)	\$150,000
Yakima Valley SunDome Repairs (Yakima)	\$206,000
Yelm City Park Playground Modernization (Yelm)	\$247,000
Youth Eastside Services (Bellevue)	\$26,000
YWCA Family Justice Center (Spokane)	\$103,000

(8) \$26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan.

(9) ~~(\$750,000)~~ \$1,250,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursuing open space conservation strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.

(10)(a) \$900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.

(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.

(c) The Interbay advisory committee consists of seven persons appointed as follows:

(i) One person appointed by the speaker of the house of representatives;

(ii) One person appointed by the president of the senate; and

(iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.

(d) The Interbay public development advisory committee must:

(i) Work in collaboration with the military department to determine the needs of the military department if it is relocated from the land described in subsection (1) of this section, including identifying:

(A) Current uses;

(B) Future needs of the units currently at this location;

(C) Potential suitable publicly owned sites in Washington for relocation of current units; and

(D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;

(ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:

(A) Suitable and unsuitable future uses for the land;

(B) Environmental issues and associated costs;

(C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;

(D) Transportation corridors in the immediate area and any potential right-of-way needs; and

(E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;

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(iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:

- (A) Any potential private partners or investors;
- (B) Necessary real estate transactions;
- (C) Federal funding opportunities; and
- (D) State and local funding sources, including any tax-related programs; and

(iv) Conduct at least three public meetings at a location within the Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as industrial land use, commercial development, residential zoning, and public infrastructure needs(~~;~~ and

~~(v) Provide a report to the legislature and office of the governor with recommendations for each area described in this subsection (10)(d) by June 29, 2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee created in this section).~~

~~(e) ((The Interbay advisory committee created in this section terminates June 30, 2019.~~

~~(f))~~ Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.

~~((g))~~ (f) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.

~~((h))~~ (g) Legislative members of the Interbay advisory committee are reimbursed for travel in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) \$2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent on the purchase of the property in its entirety within ten years.

(12) \$250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) \$400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) \$1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) \$250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. It is the intent of the legislature that beyond the 2017-2019 fiscal biennium no state funding is provided to the Asia Pacific cultural center in Tacoma.

Appropriation:

State Building Construction Account—State	(\$129,799,000)	<u>\$130,941,000</u>
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL	<u>\$129,799,000</u>	<u>\$130,941,000</u>

Sec. 6004. 2018 c 298 s 1007 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity (40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to community hospitals or other community entities to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues. The department of commerce may approve funding for the acquisition of a facility or land if the project results in increased capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health organizations, as defined in RCW 71.24.025, or entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3), the department, in consultation with the department of social and

health services, the health care authority, and behavioral health organizations, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(3) \$49,600,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) \$4,600,000 is provided solely for at least two enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$4,000,000 is provided solely for at least two facilities with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 is provided solely for at least one facility with acute detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$12,700,000 is provided solely for crisis diversion or stabilization facilities that are not subject to federal funding restrictions that apply to institutions of mental diseases. At least two of the facilities must be located in King county and one must be located in Pierce county. The facility in Pierce county shall receive no less than \$3,200,000;

(e) \$12,700,000 is provided solely for the department to provide grants to community hospitals or freestanding evaluation and treatment providers to develop capacity for beds to serve individuals on ninety or one hundred eighty day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health, and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The department of social and health services has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(f) \$6,600,000 is provided solely for the department to provide grants to community providers to develop psychiatric residential treatment beds to serve individuals being diverted or transitioned from the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, the department of health, and the local behavioral health organization jurisdiction for which a proposal has been submitted and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the behavioral health organization in the region or the

entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The behavioral health organization or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380 has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(g) \$5,000,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth, including but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors. In awarding funds for projects in this subsection, the department, in consultation with the department of social and health services and the health care authority must review projects based on the following criteria:

(i) The funding must be used to increase capacity related to serving children and minor youth with behavioral health needs;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases; and

(iii) The provider has demonstrated to the department of health, department of social and health services, and health care authority that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(h) \$2,000,000 is provided solely for competitive community behavioral health grants.

(4) (~~(\$35,276,000)~~) \$34,776,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

North Sound Behavioral Health Organization Denny Youth Center	\$5,000,000
North Sound Behavioral Health Organization Substance Use Disorder Intensive Treatment	\$5,000,000
North Sound Stabilization Campus (Sedro-Woolley)	\$1,550,000
Bellingham Mental Health Triage	\$5,000,000
Bellingham Acute Detox	\$2,000,000
SWWA Diversion Crisis and Involuntary Treatment	\$3,000,000
Daybreak Center for Adolescent Recovery	\$3,000,000
Nexus Youth and Families	\$500,000
Valley City Recovery Place	\$2,000,000
Geriatric Diversion	\$500,000
Skagit Triage Expansion (Mount Vernon)	\$326,000
Spokane Jail Diversion	\$2,400,000
Tri-county Detox and Crisis Center	\$4,000,000
Toppenish Hospital	(\$1,000,000) <u>\$500,000</u>

(5) \$3,000,000 is provided solely for the Evergreen treatment services building purchase, contingent on matching funds.

(6)(a) \$3,000,000 is provided solely for a grant to a joint venture between MultiCare-Franciscan to provide community based behavioral health services. Funding provided in this subsection is subject to the criteria in subsection (1) of this section. The department of commerce may not release funding for this project unless MultiCare-Franciscan enters into a memorandum of understanding with the department of social and health services by October 31, 2018, to collaborate on development and implementation of strategies to expand the behavioral health workforce in the region. At a minimum, the agreement must include strategies for increasing recruitment of

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health professionals required to staff psychiatric inpatient facilities, including psychiatrists, psychologists, nurses and other health care professionals. The agreement must also identify opportunities for coordination between the parties to expand access to clinical skill development and training opportunities in the region and strategies for collaborative service delivery between the parties when possible. To objectively evaluate the efficacy of the strategies implemented to achieve the desired outcomes of the agreement, performance measures and targets must be established to include:

(b) MultiCare-Franciscan and the department of social and health services must work collaboratively to decrease vacancy rates for hard-to-recruit health care professionals employed by each facility. The parties must develop strategies to attract more qualified health care professionals to the area and ensure comparable exposure to the benefits of working for each organization. The parties must measure the success of these strategies by the decrease in vacancy rate for health care professionals necessary to provide safe, quality inpatient psychiatric care in MultiCare-Franciscan and department facilities following the first year as the baseline of the partnership/consortium and with updated goals for each subsequent year. MultiCare-Franciscan and the department of social and health services must work to increase the competency and skills of health care professionals across both facilities by establishing organized joint- and cross-training programs. The parties must measure the success of this strategy by the number of health care professionals in total and by discipline complete cross-training activities and by the number and hours of cross-training opportunities offered under the agreement.

(7) The department of commerce shall notify all applicants that they may be required to have a construction review performed by the department of health.

(8) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, detox, or secure detox.

(9) The department must strive to allocate all of the amounts appropriated within subsection (3) of this section in the manner prescribed. However, if upon review of applications, the department determines that there are not adequate suitable projects in a category, the department may allocate funds to other behavioral health capacity project categories within subsection (3) of this section, prioritizing projects in unserved areas of the state.

Appropriation:	
State Building Construction Account—State	(\$90,876,000)
	<u>\$90,376,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$90,876,000</u>
	<u>\$90,376,000</u>

Sec. 6005. 2018 c 298 s 1002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
2017-19 Housing Trust Fund Program (30000872)

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$58,000,000)~~ \$83,500,000 of the state taxable building construction account—state appropriation, ~~(\$44,131,000)~~

\$19,631,000 of the state building construction account—state appropriation, and \$8,658,000 of the Washington housing trust account—state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

- (i) The property is more than fifteen years old;
- (ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.
- (iii) The improvements will result in reduction of operating or utilities costs, or both; and
- (iv) Other criteria that the department considers necessary to achieve the purpose of this program.

(c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account—state appropriation (~~(*)~~) and \$1,500,000 of the state taxable building construction account—state appropriation are provided solely for ((a nonprofit, public development authority, local government, or housing authority to)) the purchase of the three south annex properties. The state board for community and technical colleges must transfer the three south annex properties located at ((4534)) 1530 Broadway, 1534 Broadway, and 909 East Pine street ((owned by the state board of community and technical colleges. The property must be used to provide services and housing for homeless youth and young adults)) to one or more nonprofits or public development authorities selected by the department, if the selected entities agree to use the properties to provide services and housing for homeless youth or young adults for a minimum of twenty-five years. The transfer agreement between the state board for community and technical colleges and the selected entities must specify a mutually agreed transfer date and require the selected entities to cover any closing costs with a total purchase price of nine million dollars for all three properties.

(f) ~~(\$26,006,000)~~ \$25,506,000 is provided solely for the following list of housing projects:

- (i) ~~((Cross Laminated Timber))~~ Spokane Housing

Predesign	\$500,000
(ii) El Centro de la Raza	\$737,000
(iii) Highland Village Preservation	\$1,500,000
(iv) King County Modular Housing Project	\$1,500,000
(v) Nisqually Tribal Housing	\$1,250,000
(vi) Othello Homesight Community Center	\$3,000,000
(vii) Parkview Apartments Affordable Housing	\$100,000
(viii) Supported Housing and Employment (Longview)	\$129,000

(ix) ~~(\$2,500,000)~~ \$2,000,000 is provided solely for ~~((grants to purchase low-income mobile home parks. Up to \$2,500,000 is for the Firs Mobile Home Park. If the Firs Mobile Home Park is not purchased, the amount provided in this subsection shall lapse.))~~ homeownership assistance for low-income households displaced from their manufactured/mobile homes due the closure or conversion of a mobile home park or manufactured housing community in south King County. \$1,500,000 of this amount in this subsection is provided solely for low-income residents displaced from the Firs Mobile Home Park located in SeaTac.

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than \$125,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection. \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

(xi) \$7,290,000 is provided solely for grants to the following organizations using innovative methods to address homelessness: \$4,290,000 for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(xii) \$1,500,000 is provided solely for Valley Cities modular housing project in Auburn.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

- (i) 10 percent is provided solely for housing projects that benefit veterans;
- (ii) 10 percent is provided solely for housing projects that benefit homeownership;
- (iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;
- (iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State	(\$44,131,000)	<u>\$19,631,000</u>
State Taxable Building Construction Account—State	(\$58,000,000)	<u>\$83,500,000</u>
Washington Housing Trust Account—State	\$8,658,000	
Subtotal Appropriation	(\$110,789,000)	<u>\$111,789,000</u>
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$400,000,000
TOTAL		\$510,789,000
		<u>\$511,789,000</u>

Sec. 6006. 2018 c 2 s 1013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Clean Energy Funds 3 (30000881)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state.

(2) In soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section; and

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(3)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past twenty-four months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(4) The requirements in subsections (2) and (3) of this section must be specified in funding agreements issued by the department.

(5) \$11,000,000 of the state building construction account, is provided solely for grid modernization grants for projects that advance clean and renewable energy technologies, and transmission and distribution control systems; that support integration of renewable energy sources, deployment of distributed energy resources, and sustainable microgrids; and that increase utility customer options for energy sources, energy efficiency, energy equipment, and utility services.

(a) Projects must be implemented by public and private electrical utilities that serve retail customers in the state. Eligible utilities may partner with other public and private sector research organizations and businesses in applying for funding.

(b) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, allow smaller utilities or consortia of small utilities to apply for funding.

(c) Applications for grants must disclose all sources of public funds invested in a project.

(6) \$7,900,000 of the state building construction account and \$3,100,000 of the energy efficiency account are provided solely for grants to demonstrate new approaches to electrification of transportation systems.

(a) Projects must be implemented by local governments, or by public and private electrical utilities that serve retail customers in the state. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department of commerce must coordinate with other electrification programs, including projects the department of transportation is developing and projects funded by the Volkswagen consent decree, to determine the most effective distribution of the systems.

(b) Priorities must be given to eligible technologies that reduce the top two hundred hours of demand and the demand side.

(c) Eligible technologies for these projects include, but are not limited to:

(i) Electric vehicle and transportation system charging and open source control infrastructure, including inductive charging systems;

(ii) Electric vehicle sharing in low-income, multi-unit housing communities in urban areas;

(iii) Grid-related vehicle electrification, connecting vehicle fleets to grid operations, including school and transit buses;

(iv) Electric vehicle fleet management tools with open source software;

(v) Maritime electrification, such as electric ferries, water taxis, and shore power infrastructure.

(7)(a) \$8,600,000 of the state building construction account is provided solely for strategic research and development for new and emerging clean energy technologies, as needed to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies.

(b) The department shall consult and coordinate with the University of Washington, Washington State University, the Pacific Northwest national laboratory and other clean energy organizations to design the grant program unless the organization prefers to compete for the grants. If the organization prefers to receive grants from the program they may not participate in the consultant process determining how the grant process is structured. The program shall offer matching funds for competitively selected clean energy projects, including but not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight

materials, advanced energy storage, battery components recycling, and new renewable energy and energy efficiency technologies. Criteria for the grant program must include life cycle cost analysis for projects that are part of the competitive process.

(c) \$750,000 of this subsection (7) is provided solely for the state efficiency and environmental program.

(8) \$8,000,000 of the state taxable construction account is provided solely for scientific instruments to help accelerate research in advanced materials at the proposed science laboratories infrastructure facility at the Pacific Northwest national laboratory. These state funds are contingent on securing federal funds for the new facility, and are provided as match to the federal funding. The instruments will support researchers at the bioproducts sciences and engineering laboratory, the joint center for deployment research in earth abundant materials, the center for advanced materials and clean energy technology, and other energy and materials collaborations with the University of Washington and Washington State University.

(9) \$1,600,000 of the state building construction account and \$2,400,000 of the energy efficiency account are provided solely for grants to be awarded in competitive rounds for the deployment of solar projects located in Washington state.

(a) Priority must be given to distribution side projects that reduce peak electricity demand.

(b) Projects must be capable of generating ~~((at least five hundred))~~ more than one hundred kilowatts of direct current generating capacity.

(c) Except as provided in (d) of this subsection, grants shall not exceed \$200,000 per megawatt of direct current generating capacity and total grant funds per project shall not exceed \$1,000,000 per applicant. Applicants may not use other state grants.

(d) At least ~~((25))~~ 35 percent of the total allocation of a project ~~((shall be provided solely for projects that provide direct benefits to low-income residents or communities. The department must attempt to prioritize an equal geographic distribution))~~ must be for community solar projects that provide solar electricity to low-income households, low-income tribal housing programs, affordable housing providers, and nonprofit organizations providing services to low-income communities. The provisions of (c) of this subsection do not apply to projects funded under this subsection (9)(d).

(e) Priority must be given to major components made in Washington.

(f) The department must attempt to prioritize an equitable geographic distribution and a diversity of project sizes.

(10) \$2,400,000 of the state building construction account is provided solely for the first phase of a project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of seven hundred fifty thousand tons per year, increase energy efficiency, and protect or create aluminum manufacturing jobs located in ~~((a))~~ Whatcom county ~~((with a population of less than three hundred thousand)).~~

(11) \$1,100,000 of the state building construction account—state appropriation is provided solely for a grant to the public utility district no. 1 of Klickitat county for the remediation, survey, and evaluation of a closed-loop pump storage hydropower project at the John Day pool.

Appropriation:

State Building Construction Account—State	\$32,600,000
State Taxable Building Construction Account—State	\$8,000,000
Energy Efficiency Account—State	\$5,500,000
Subtotal Appropriation	\$46,100,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$246,100,000

Sec. 6007. 2018 c 2 s 1014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
 Energy Efficiency and Solar Grants (30000882)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$3,675,000 for fiscal year 2018 and \$3,675,000 for fiscal year 2019 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for operational cost savings improvements to facilities and related projects that result in energy and operational cost savings.

(b) At least twenty percent of each competitive grant round must be awarded to small cities or towns with a population of five thousand or fewer residents.

(c) In each competitive round, the higher the leverage ratio of nonstate funding sources to state grant and the higher the energy savings, the higher the project ranking.

(d) For school district applicants, priority consideration must be given to school districts that demonstrate improved health and safety through: (i) Reduced exposure to polychlorinated biphenyl; or (ii) replacing outdated heating systems that use oil or propane as fuel sources as identified by the Washington State University extension energy program. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(2) \$1,750,000 is provided solely for grants to be awarded in competitive rounds to local agencies, public higher education institutions, school districts, and state agencies for projects that involve the purchase and installation of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(3) \$1,400,000 is provided solely for energy efficiency improvements to minor works and stand-alone projects at state-owned facilities that repair or replace existing building systems including, but not limited to HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the ~~((cost))~~ department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request ~~((will be added to the project appropriation after construction bids are received))~~. Prior to awarding funds, the department of commerce shall ~~((coordinate with))~~ submit to the office of financial management ~~((to develop a process for project submittal, review, approval criteria, tracking project budget adjustments, and performance measures))~~ a list of all proposed awards for review and approval.

(4) \$500,000 is provided solely for resource conservation managers in the department of enterprise services to coordinate with state agencies and school districts to assess and adjust existing building systems and operations to optimize the efficiency in use of energy and other resources in state-owned facilities. The department of commerce will oversee an interagency agreement with the department of enterprise services to fund the resource conservation managers.

(5) The department shall develop metrics that indicate the performance of energy efficiency efforts and provide a report of the metrics, including at a minimum the current energy used by

the building, the energy use after efficiencies are completed, and cost of energy saved. The report must include these metrics from other states.

Appropriation:

State Building Construction Account—State	\$5,500,000
Energy Efficiency Account—State	\$5,500,000
Subtotal Appropriation	\$11,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$60,000,000
TOTAL	\$71,000,000

Sec. 6008. 2018 c 298 s 1013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
 Housing Trust Fund Appropriation (30000833)

The reappropriations in this section are subject to the following conditions and limitations:

~~((1) Except as provided in subsection (2) of this section,))~~ The reappropriations are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess.

~~((2) \$1,500,000 of the reappropriation from section 1005(11), chapter 35, Laws of 2016 sp. sess. is instead provided solely for purchase of the south annex properties. The state board of community and technical colleges must transfer the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street to a nonprofit or public development authority, if the entity agrees to use the properties to provide services and housing for homeless youth and young adults for a minimum of ten years. The transfer agreement must specify a mutually agreed transfer date. The transfer agreement must require the nonprofit or public development authority to cover any closing costs and must specify a purchase price of nine million dollars.))~~

Reappropriation:

State Taxable Building Construction Account—State	(((\$59,701,000))
	<u>\$58,201,000</u>
Washington Housing Trust Account—State	\$3,000,000
Subtotal Reappropriation	(((\$62,701,000))
	<u>\$61,201,000</u>
Prior Biennia (Expenditures)	\$20,299,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$83,000,000
	<u>\$81,500,000</u>

Sec. 3. 2018 c 298 s 1016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE
 Local and Community Projects 2016 (92000369)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

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(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of twenty acres of land by Spokane county or the city of Airway Heights for development of affordable housing and the purchase of mobile home parks by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes. There shall be no limitations on the sequence of the purchase of mobile home parks. If Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident potential zone, Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within ten years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks in the Fairchild air force base protection and community empowerment project. The twenty acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of ten years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and subsection (5) of this section.

(8) \$850,000 of the appropriation in this section is provided solely for the White River restoration project. Design solutions for flooding reductions in the lower White River must include a floodplain habitat design that both reduces flood risks and restores salmon habitat by reconnecting the river with its floodplain and a sustainable riparian corridor. Project designs and plans must also identify lands for acquisition needed for floodplain reconnection where pending or existing development eliminates the potential for riparian and aquatic habitat restoration. The city shall work cooperatively with the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians, and develop a plan collaboratively to achieve both flood reduction and habitat restoration.

(9) Up to \$300,000 of the appropriation in this section for the veterans helping veterans: Emergency transition shelter project may be spent on preconstruction or preacquisition activities, including, but not limited to, building inspections, design of necessary renovations, cost estimation, and other activities necessary to identify and select a facility appropriate for the

program. The remainder of the appropriation must be used for eventual acquisition and renovations of a facility.

(10) \$2,500,000 of the appropriation in this section is provided solely for the mercy housing and health care center at Sand Point. During the 2015-2017 fiscal biennium, the center may not house any community health care training organization that has been investigated by and has paid settlement fees to the attorney general's office for alleged medicaid fraud.

(11) The Lake Chelan land use plan must be developed without adverse impacts on agricultural operations.

(12) \$1,300,000 of the appropriation in this section is provided solely for phase one of the main street revitalization project in the city of Mountlake Terrace.

(13) \$300,000 of the appropriation in this section is provided solely for the city of Stanwood to acquire property for a new city hall/public safety facility.

(14) Up to 30 percent of the funding for the Kennewick boys and girls club may be used for land acquisition.

(15) The appropriation is provided solely for the following list of projects:

<u>Projects</u>	<u>Amounts</u>
Algona senior center	\$500,000
All-accessible destination playground	\$750,000
Appleway trail	\$1,000,000
Basin 3 sewer rehabilitation	\$1,500,000
Bellevue downtown park inspiration playground and sensory garden	\$1,000,000
Bender fields parking lot and restrooms	\$1,000,000
Blackhills community soccer complex safety projects	\$750,000
Bremerton children's dental clinic	\$396,000
Brewster reservoir replacement	\$1,250,000
Brookville gardens	\$1,200,000
Camas-Washougal Babe Ruth youth baseball improve Louis Bloch park	\$10,000
Cancer immunotherapy facility-Seattle children's research inst.	\$7,000,000
Caribou trail apartments	\$100,000
Carnegie library imprv for the rapid recidivism reduction program	\$1,000,000
Cavelero park - regional park facility/skateboard park	\$500,000
CDM caregiving services: Clark county aging resource center	\$1,200,000
Centerville school heating upgrades	\$46,000
Chambers Creek regional park pier extension and moorage	\$1,750,000
City of LaCenter parks & rec community center	\$1,500,000
City of Lynden pipeline	\$2,000,000
City of Lynden-Riverview road construction	\$850,000
City of Lynden-safe routes to school and Kaemingk trail gap elim.	\$300,000
City of Mt. Vernon downtown flood protect project & riverfront trail	\$1,500,000
City of Olympia - Percival Landing renovation	\$950,000

<u>Projects</u>	<u>Amounts</u>	<u>Projects</u>	<u>Amounts</u>
City of Pateros water system	\$1,838,000	Lyon creek flood reduction project	\$400,000
City of Stanwood City hall/public safety facility property acquisition	\$300,000	Marine terminal rail investments	\$1,000,000
Classroom door barricade - nightlock	\$45,000	Martin Luther King Jr. family outreach center expansion project	\$85,000
Confluence area parks upgrade and restoration	\$1,000,000	Mason county Belfair wastewater system rate relief	\$1,500,000
Corbin senior center elevator	\$300,000	McAllister museum	\$660,000
Covington community park	\$5,000,000	Mercer arena energy savings & sustainability funding	\$450,000
Cross Kirkland corridor trail connection 52nd St.	\$1,069,000	Mercy housing and health center at Sand Point	\$2,500,000
Dawson place child advocacy center building completion project	\$161,000	Meridian center for health	\$2,500,000
Dekalb street pier	\$500,000	Minor Road water reservoir replacement	\$1,500,000
DNR/City of Castle Rock exchange	\$80,000	Mountains to Sound Greenway Tiger Mountain access improvements	\$300,000
Dr. Sun Yat Sen memorial statue	\$10,000	Mountlake Terrace Main street revitalization project	\$1,300,000
Drug abuse and prevention center - Castle Rock	\$96,000	Mt. Spokane guest services building & preservation/maintenance of existing facilities	\$520,000
DuPont historical museum renovation	\$46,000	Boys & girls club of Snohomish county (Brewster, Sultan, Granite Falls, Arlington, and Mukilteo)	\$1,000,000
East Tacoma community center	\$1,000,000	Mukilteo tank farm clean-up	\$250,000
Edmonds center for the arts: Gym climate control & roof repairs	\$250,000	New Shoreline medical-dental clinic	\$1,500,000
Edmonds senior & community center	\$1,250,000	Nordic heritage museum	\$2,000,000
Emergency generator for kidney resource center	\$226,000	North Kitsap fishline foodbank	\$625,000
Enumclaw expo center	\$350,000	Northwest native canoe center project	\$250,000
Fairchild air force base protection & comm empowerment project	\$2,209,000	Oak Harbor clean water facility	\$2,500,000
Federal Way PAC center	\$2,000,000	Okanogan emergency communications	\$400,000
Filipino community of Seattle village (innovative learning center)	\$1,200,000	Onalaska community tennis and sports courts	\$80,000
Franklin Pierce early learning center	\$2,000,000	Opera house ADA elevator	\$357,000
Gateway center project	\$1,000,000	Orcas Island library expansion	\$1,400,000
Gilda club repairs	\$800,000	Pacific community center	\$250,000
Granite Falls boys & girls club	\$1,000,000	PCAF's building for the future	\$350,000
Gratzer park ball fields	\$200,000	Pe Ell second street	\$197,000
Grays Harbor navigation improvement project	\$2,500,000	Perry technical school	\$1,000,000
Green river gorge open space buffer, Kummer connection	\$750,000	Pike Place Market front project	\$800,000
Guy Cole center revitalization	\$450,000	Police station security/hardening	\$38,000
Historic renovation Maryhill museum	\$1,000,000	Port of Centralia - Centralia station	\$500,000
Hopelink at Ronald commons	\$750,000	Port of Sunnyside demolish the Carnation bldng	\$450,000
Irvine slough storm water separation	\$500,000	PROVAIL TBI residential facility	\$450,000
Kahlotus highway sewer force main	\$2,625,000	Quincy water reuse	\$1,500,000
Kennewick boys and girls club	\$500,000	Redmond downtown park	\$3,000,000
Kent east hill YMCA	\$500,000	Redondo boardwalk repairs	\$1,500,000
Key Pen civics center	\$50,000	Renovate senior center	\$400,000
KiBe high school parking	\$125,000	Rochester boys & girls club	\$38,000
Kitsap humane society - shelter renovation	\$90,000	Rockford wastewater treatment	\$1,200,000
Lacey boys & girls club	\$29,000	Roslyn renaissance-NW improve company bldg renovation project	\$900,000
Lake Chelan land use plan	\$75,000	Sammamish rowing association boathouse	\$500,000
LeMay car museum ADA access improvements	\$500,000		
Lyman city park renovation	\$167,000		

<u>Projects</u>	<u>Amounts</u>
SE 240th St. watermain system improvement project	\$700,000
SE Seattle financial & economic opportunity center	\$1,500,000
((SeaTac international marketplace & transit-oriented community	(\$1,250,000))
Seattle theatre group	\$131,000
Snohomish veterans memorial rebuild	\$10,000
Snoqualmie riverfront project	\$1,520,000
South 228th street inter-urban trail connector	\$500,000
Splash pad/foundation: Centralia outdoor pool restoration project	\$200,000
Spokane women's club	\$300,000
Springbrook park neighborhood connection project	\$300,000
SR 532 flood berm and bike/ped path	\$85,000
St. Vincent food bank & community services construction project	\$400,000
Stan & Joan cross park	\$750,000
Steilacoom Sentinel Way repairs	\$450,000
Stilly Valley youth project Arlington B&G club	\$2,242,000
Sunset neighborhood park	\$1,750,000
Support, advocacy & resource center for victims of violence	\$750,000
The gathering house job training café	\$14,000
The Salvation Army Clark County: Corps community center	\$1,200,000
Thurston county food bank	\$500,000
Tulalip water pipeline, (final of 8 segments)	\$2,000,000
Twin Bridges museum rehab Lyle Wa	\$64,000
Twisp civic building	\$500,000
Vancouver, Columbia waterfront project	\$2,500,000
Vantage point senior apartments	\$2,000,000
Veterans center	\$500,000
Veterans helping veterans: Emergency transition shelter	\$600,000
Waitsburg Main Street bridge replacement	\$1,700,000
Washington green schools	\$105,000
Washougal roof repair	\$350,000
Water meter and system improvement program	\$500,000
Water reservoir and transmission main	\$500,000
Wayne golf course land preservation	\$500,000
White River restoration project	\$850,000
Willapa behavioral health safety improvement project	\$75,000
WSU LID frontage - local and economic benefits	\$500,000
Yakima children's museum center	\$50,000
Yakima SunDome	\$2,000,000

<u>Projects</u>	<u>Amounts</u>
Yelm community center	\$500,000
Yelm senior center	\$80,000
Youth wellness campus gymnasium renovation	\$1,000,000
Total	\$130,169,000
Appropriation:	
State Building Construction Account—State	(\$130,169,000)
	<u>\$128,919,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$130,169,000</u>
	<u>\$128,919,000</u>

Sec. 6010. 2018 c 2 s 1028 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
Emergency Repairs (30000041)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, an emergency declaration signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The emergency declaration must include a description of the health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and senate ways and means committee as emergency projects are approved for funding.

Appropriation:	
State Building Construction Account—State	(\$5,000,000)
	<u>\$3,300,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	<u>\$25,000,000</u>
	<u>\$23,300,000</u>

Sec. 6011. 2017 3rd sp.s. c 4 s 1052 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

West Campus Historic Buildings Exterior Preservation (30000727)

Reappropriation:	
State Building Construction Account—State	(\$500,000)
	<u>\$380,000</u>
Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$1,880,000</u>

Sec. 6012. 2018 c 298 s 2004 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen - Housing Unit: Acute Mental Health Unit
(30002736)

Appropriation:

State Building Construction Account—State	(\$9,806,000)
	<u>\$206,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$9,806,000</u>
	<u>\$206,000</u>

Sec. 6013. 2018 c 298 s 2005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide - RA Community Facilities: Safety & Security Improvements (30002737)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$200,000
State Building Construction Account—State	(\$1,800,000)
	<u>\$1,500,000</u>
Subtotal Appropriation	(\$2,000,000)
	<u>\$1,700,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$1,700,000</u>

Sec. 6014. 2018 c 298 s 2008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Recreation Building: Replacement (30003237)

Appropriation:

State Building Construction Account—State	(\$1,200,000)
	<u>\$800,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$11,000,000)
	<u>\$0</u>
TOTAL	<u>\$12,200,000</u>
	<u>\$800,000</u>

Sec. 6015. 2018 c 2 s 2019 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Campus: Security & Surveillance Upgrades (30003580)

Appropriation:

State Building Construction Account—State	(\$2,000,000)
	<u>\$1,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,000,000</u>
	<u>\$1,500,000</u>

Sec. 6016. 2018 c 298 s 2018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Pine Lodge Behavioral Rehabilitation Services (91000061)

Appropriation:

State Building Construction Account—State	(\$1,400,000)
	<u>\$175,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL	<u>\$1,400,000</u>
	<u>\$175,000</u>

Sec. 6017. 2018 c 2 s 3024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control State Match (40000013)

The appropriation in this section is subject to the following conditions and limitations: ~~(\$10,000,000)~~ \$10,194,000 of the appropriation is provided solely as state match for federal clean water funds. ~~(\$10,000,000)~~ \$10,194,000 of the appropriation must be transferred into the water pollution control revolving account.

Appropriation:

State Taxable Building Construction Account—State	(\$10,000,000)
	<u>\$10,194,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	<u>\$50,000,000</u>
	<u>\$50,194,000</u>

Sec. 6018. 2017 3rd sp.s. c 4 s 3056 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Habitat Mitigation (91000007)

Reappropriation:

State Building Construction Account—State	(\$1,600,000)
	<u>\$507,000</u>
Prior Biennia (Expenditures)	\$2,342,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$3,942,000</u>
	<u>\$2,849,000</u>

Sec. 6019. 2018 c 2 s 3093 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

CREP PIP Loan Program 2017-19 (92000014)

Appropriation:

Conservation Assistance Revolving Account—State	(\$50,000)
	<u>\$400,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000
TOTAL	<u>\$250,000</u>
	<u>\$600,000</u>

Sec. 6020. 2018 c 2 s 3109 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Forks Creek Hatchery - Renovate Intake and Diversion (30000827)

Appropriation:

State Building Construction Account—State	(\$2,425,000)
	<u>\$2,775,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$2,425,000</u>
	<u>\$2,775,000</u>

Sec. 6021. 2018 c 2 s 3105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hoodspout Hatchery Adult Pond Renovation (30000686)

Appropriation:

State Building Construction Account—State	(\$4,756,000)
	<u>\$4,356,000</u>

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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,756,000
	<u>\$4,356,000</u>

Sec. 6022. 2017 3rd sp.s. c 4 s 3136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Marblemount Hatchery - Renovating Jordan Creek Intake (30000666)

Appropriation:

State Building Construction Account—State	\$50,000
Reappropriation:	
State Building Construction Account—State	\$2,068,000
Prior Biennia (Expenditures)	\$225,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,293,000
	<u>\$2,343,000</u>

Sec. 6023. 2018 c 2 s 4002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION
Aviation Revitalization Loans (92000003)

The appropriation in this section is subject to the following conditions and limitations:

~~((1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section 7028 of this act for direct loans to political subdivisions of the state and privately owned airports for the purpose of improvements at public use airports that primarily support general aviation activities.~~

~~(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the capital budget chair and ranking minority member of the capital budget committee of the house of representatives and the senate ways and means committee, and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of pilots. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.~~

~~(3) The board may provide loans to privately owned airports for the purpose of airport improvements only if the state is receiving commensurate public benefit, such as guaranteed long-term public access to the airport as a condition of the loan. For purposes of this subsection, "public use airports that primarily support general aviation activities" means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.~~

~~(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:~~

~~(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;~~

~~(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;~~

~~(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;~~

~~(d) The loan application project results in the creation or retention of long-term economic opportunities; and~~

~~(e) The loan application project results in leveraging additional federal funding for an airport.~~

~~(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.) (1)(a) The department of transportation must convene a community aviation revitalization board to exercise the powers granted under this section.~~

(b) The board must consist of a representative from the department of transportation's aviation division, the public works board, and a nonlegislative member of the community economic revitalization board. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair.

(c) Management services, including fiscal and contract services, must be provided by the department of transportation to assist the board in implementing this section.

(d) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the secretary of transportation must fill the vacancy for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the secretary of transportation, under chapter 34.05 RCW.

(e) A member appointed by the secretary of transportation may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the secretary of transportation.

(f) A majority of members currently appointed constitutes a quorum.

(g) The board must meet three times a year or as deemed necessary by the department of transportation.

(h) Staff support to the board must be provided by the department of transportation as needed.

(2) In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, any community aviation revitalization board member, appointive or otherwise, may not participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association that would be the recipient of any aid under this section. If such participation occurs, the board must void the transaction and the involved member is subject to further sanctions as provided by law. The

board must adopt a code of ethics for its members, which must be designed to protect the state and its citizens from any unethical conduct by the board.

- (3) The community aviation revitalization board may:
 - (a) Adopt bylaws for the regulation of its affairs and the conduct of its business;
 - (b) Adopt an official seal and alter the seal at its pleasure;
 - (c) Utilize the services of other governmental agencies;
 - (d) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants;
 - (e) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers;
 - (f) Accept any gifts, grants, loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions that are not in conflict with this section;
 - (g) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this section;
 - (h) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section; and
 - (i) Perform all acts and things necessary or convenient to carry out the powers expressly granted or implied under this section.
- (4)(a) The community aviation revitalization board may make direct loans to airport sponsors of public use airports in the state for the purpose of airport improvements that primarily support general aviation activities. The board may provide loans for the purpose of airport improvements only if the state is receiving commensurate public benefit, which must include, as a condition of the loan, a commitment to provide public access to the airport for a period of time equivalent to one and one-half times the term of the loan. For purposes of this subsection, "public use airports" means all public use airports not listed as having more than seventy-five thousand annual commercial air service passenger enplanements as published by the federal aviation administration.
- (b) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:
 - (i) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;
 - (ii) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;
 - (iii) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;
 - (iv) The loan application project results in the creation or retention of long-term economic opportunities; and
 - (v) The loan application project results in leveraging additional federal funding for an airport.
- (c)(i) If the board chooses to require a local match, the board must develop guidelines for local participation and allowable match and activities.
 - (ii) An application must:
 - (A) Be supported by the port district, city, or county in which the project is located; or
 - (B) Clearly identify the source of funds intended to repay the loan.

(5) The public use general aviation airport loan program, when authorized by the community aviation revitalization board, is subject to the following conditions:

- (a) The moneys in the public use general aviation airport loan revolving account created in section 7037 of this act must be used only to fulfill commitments arising from loans authorized in this section. The total outstanding amount that the board must dispende at any time pursuant to this section must not exceed the moneys available from the account.
- (b) On contracts made for public use general aviation airport loans, the board must determine the interest rate that loans must bear. The interest rate must not exceed the amount needed to cover the administrative expenses of the board and the loan program. The board may provide reasonable terms and conditions for the repayment of loans, with the repayment of a loan to begin no later than three years after the award date of the loan. The loans must not exceed twenty years in duration.
- (c) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.
- (6) All receipts from moneys collected under this section must be deposited into the public use general aviation airport loan revolving account created in section 7037 of this act.

Appropriation:
~~((State Taxable Building Construction))~~ Public Works
 Assistance Account—State \$5,000,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

Sec. 6024. 2018 c 2 s 5014 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND
 Independent Living Skills Center (30000107)
 Appropriation:
 State Building Construction Account—State ~~(((\$50,000))~~
\$170,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$50,000</u>
	<u>\$170,000</u>

Sec. 6025. 2017 3rd. sp.s. c 4 s 5058 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Tacoma Community College: Health Careers Center (20082701)
 Reappropriation:
 State Building Construction Account—State ~~(((\$6,915,000))~~
\$203,000

Prior Biennia (Expenditures)	\$34,258,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$41,173,000</u>
	<u>\$34,461,000</u>

Sec. 6026. 2018 c 298 s 5040 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Cascadia Center for Science and Technology (30001453)
 Appropriation:
 State Building Construction Account—State ~~(((\$3,421,000))~~
\$296,000

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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	((\$37,726,000))
	<u>\$0</u>
TOTAL	\$41,147,000
	<u>\$296,000</u>

**PART 7
MISCELLANEOUS PROVISIONS**

NEW SECTION. Sec. 7001. RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are forty-eight million six hundred eighteen thousand two hundred eighteen dollars for the 2019-2021 biennium, three hundred six million nine hundred two thousand nine hundred ninety-six dollars for the 2021-2023 biennium, and four hundred thirty-three million two hundred fifty-nine thousand five hundred seventy-three dollars for the 2023-2025 biennium.

NEW SECTION. Sec. 7002. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. (1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$103,143,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Washington state patrol: Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(5) Department of social and health services: Enter into a financing contract for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

(6) Department of fish and wildlife: Enter into a financing contract for up to \$3,099,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase automated salmon marking trailers.

(7) Department of natural resources: Enter into a financing contract for up to \$1,800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to remodel spaces within agency-owned commercial buildings that will benefit the common school trust.

(8) Western Washington University: Enter into a financing contract for up to \$9,950,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a consolidated academic support services facility. Debt service for this facility may not be paid from additional student fees.

(9) Community and technical colleges:

(a) Enter into a financing contract on behalf of Columbia Basin Community College for up to \$27,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student recreation center.

(b) Enter into a financing contract on behalf of Pierce College Puyallup for up to \$2,831,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct parking.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student activity center on the Clarkston campus.

(d) Enter into a financing contract on behalf of Walla Walla Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$4,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Wells Hall replacement project.

(f) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase one or more properties adjacent to the campus.

NEW SECTION. Sec. 7003. (1) To ensure that major construction projects are carried out in accordance with legislative and executive intent, agencies must complete a predesign for state construction projects with a total anticipated cost in excess of \$5,000,000, or \$10,000,000 for higher education institutions. "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project.

(2) Appropriations for design may not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign.

(3) The predesign must explore at least three project alternatives. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative should be the most reasonable and cost-effective solution. The predesign document must include, but not be limited to, program, site, and cost analysis, and an analysis of the life-cycle costs of the alternatives explored, in accordance with the predesign manual adopted by the office of financial management.

(4) The office of financial management may make an exception to the predesign requirements in this section after notifying the legislative fiscal committees and waiting ten days for comment by the legislature regarding the proposed exception.

NEW SECTION. Sec. 7004. (1) The legislature finds that use of life-cycle cost analysis will aid public entities, architects, engineers, and contractors in making design and construction decisions that positively impact both the initial construction cost and the ongoing operating and maintenance cost of a project. To ensure that the total cost of a project is accounted for and the most

reasonable and cost efficient design is used, agencies shall develop life-cycle costs for any construction project over \$10,000,000. The life-cycle costs must represent the present value sum of capital costs, installation costs, operating costs, and maintenance costs over the life expectancy of the project. The legislature further finds the most effective approach to the life-cycle cost analysis is to integrate it into the early part of the design process.

(2) Agencies must develop a minimum of three project alternatives for use in the life-cycle cost analysis. These alternatives must be both distinctly different and viable solutions to the issue being addressed. The chosen alternative must be the most reasonable and cost-effective solution. A brief description of each project alternative and why it was chosen must be included in the life-cycle cost analysis section of the predesign.

(3) The office of financial management shall: (a) Make available a life-cycle cost model to be used for analysis; (b) in consultation with the department of enterprise services, provide assistance in using the life-cycle cost model; and (c) update the life-cycle cost model annually including assumptions for inflation rates, discount rates, and energy rates.

(4) Agencies shall consider architectural and engineering firms' and general contractors' experience using life-cycle costs, operating costs, and energy efficiency measures when selecting an architectural and engineering firm, or when selecting contractors using alternative contracting methods.

NEW SECTION. Sec. 7005. Agencies administering construction projects with a total anticipated cost in excess of \$5,000,000, or \$10,000,000 for higher education institutions, must submit progress reports to the office of financial management and to the fiscal committees of the house of representatives and senate. "Total anticipated cost" means the sum of the anticipated cost of the predesign, design, and construction phases of the project. Reports must be submitted on July 1st and December 31st of each year in a format determined by the office of financial management. After the project is completed, agencies must also submit a closeout report that identifies the total project cost and any unspent appropriations.

NEW SECTION. Sec. 7006. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

NEW SECTION. Sec. 7007. (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants. However, the office of financial management may transfer funds from the emergency repair pool

to supplement the western state hospital wards renovations for forensic services project in section 2035 of this act if bids exceed the project appropriation.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer. However, the office of financial management may effect one or more transfers to supplement the western state hospital wards renovations for forensic services project in section 2035 of this act without waiting thirty days for fiscal committee response.

NEW SECTION. Sec. 7008. (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

NEW SECTION. Sec. 7009. (1) Any building project that receives over \$10,000,000 in funding from the capital budget must be built to sustainable standards. "Sustainable building" means a building that integrates and optimizes all major high-performance building attributes, including energy efficiency, durability, life-cycle performance, and occupant productivity. The following design and construction attributes must be integrated into the building project:

(a) Employ integrated design principles: Use a collaborative, integrated planning and design process that initiates and maintains an integrated project team in all stages of a project's planning and delivery. Establish performance goals for siting, energy, water, materials, and indoor environmental quality along with other comprehensive design goals and ensures incorporation of these goals throughout the design and life-cycle of the building.

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Consider all stages of the building's life-cycle, including deconstruction.

(b) Commissioning: Employ commissioning practices tailored to the size and complexity of the building and its system components in order to verify performance of building components and systems and help ensure that design requirements are met. This should include an experienced commissioning provider, inclusion of commissioning requirements in construction documents, a commissioning plan, verification of the installation and performance of systems to be commissioned, and a commissioning report.

(c) Optimize energy performance: Establish a whole building performance target that takes into account the intended use, occupancy, operations, plug loads, other energy demands, and design to earn the ENERGY STAR targets for new construction and major renovation where applicable. For new construction target low energy use index. For major renovations, target reducing energy use by fifty percent below prerenovations baseline.

(d) On-site renewable energy: Meet at least thirty percent of the hot water demand through the installation of solar hot water heaters, when life-cycle cost effective. Implement renewable energy generation projects on agency property for agency use, when life-cycle cost effective.

(e) Measurement and verification: Where appropriate, install building level electricity meters in new major construction and renovation projects to track and continuously optimize performance. Include equivalent meters for natural gas and steam, where natural gas and steam are used. Where appropriate, install dashboards inside buildings to display and incentivize occupants on energy use.

(f) Benchmarking: Compare performance data from the first year of operation with the energy design target. Verify that the building performance meets or exceeds the design target. For other building and space types, use an equivalent benchmarking tool.

NEW SECTION. Sec. 7010. State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

NEW SECTION. Sec. 7011. Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 7012. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding \$200,000 by colleges or universities is provided solely for the purposes of RCW 28B.10.027.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency identified in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

(4) At least eighty percent of the moneys spent by the Washington state arts commission during the 2019-2021 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. Art allocations not expended within the ensuing two biennia will lapse. The commission may use up to \$200,000 of

this amount to conserve or maintain existing pieces in the state art collection.

NEW SECTION. Sec. 7013. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 7014. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 7015. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 7016. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter . . . , Laws of 2019, (Substitute House Bill No. 1101, the general obligation bond bill) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

NEW SECTION. Sec. 7017. (1) Minor works project lists are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. Funds appropriated in this act for minor works may not be initially allotted until agencies submit project lists to the office of financial management for review and approval.

(2) Revisions to the project lists, including the addition of projects and the transfer of funds between projects, are allowed but must be submitted to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee for review and comment, and must

include an explanation of variances from prior lists. Any project list revisions must be approved by the office of financial management before funds may be expended from the minor works appropriation.

(3)(a) All minor works projects should be completed within two years of the appropriation with the funding provided.

(b) Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects.

(c) Minor works appropriations may not be used for the following: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; movable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; rolling stock; computers; or to supplement funding for projects with funding shortfalls unless expressly authorized. The office of financial management may make an exception to the limitations described in this subsection (3)(c) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(d) Minor works preservation projects may include program improvements of no more than twenty-five percent of the individual minor works preservation project cost.

(e) Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the minor works categories.

NEW SECTION. Sec. 7018. FOR THE STATE TREASURER—TRANSFERS

(1) Public Works Assistance Account: For transfer to the water pollution control revolving account, up to \$6,000,000 for fiscal year 2020 and up to \$6,000,000 for fiscal year 2021
\$12,000,000

(2) Public Works Assistance Account: For transfer to the drinking water assistance account, up to \$5,500,000 for fiscal year 2020 and up to \$5,500,000 for fiscal year 2021
\$11,000,000

(3)(a) Public Works Assistance Account: For transfer to the statewide broadband account, \$10,775,000 for fiscal year 2020 and \$10,775,000 for fiscal year 2021
\$21,550,000

(b) The transfer identified in this subsection is contingent upon the enactment of chapter . . . , Laws of 2019 (Second Substitute Senate Bill No. 5511, broadband service) by June 30, 2019.

(4) State Building Construction Account: For transfer to the advanced environmental mitigation revolving account, for fiscal year 2020
\$9,000,000

(5)(a) Local Toxics Control Account: For transfer to the cleanup settlement account as repayment of the loan provided in section 7038, chapter 3, Laws of 2015 3rd sp. sess. (capital budget), in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, \$8,000,000 for fiscal year 2020 and \$8,000,000 for fiscal year 2021
\$16,000,000

(b) If Engrossed Substitute Senate Bill No. 5993 is enacted by June 30, 2019, then the treasurer must make this transfer from the model toxics control stormwater account, rather than the local toxics control account.

NEW SECTION. Sec. 7019. The department of ecology, in consultation with the department of revenue and the department of transportation, must review its enforcement of the application of the hazardous substance tax to aviation fuels, and develop and

submit recommendations to the appropriate legislative committees before the 2020 legislative session regarding application of state and local taxes, including specifically the hazardous substance tax under chapter 82.21 RCW, to aviation fuels in light of federal restrictions on the proceeds of such taxes.

NEW SECTION. Sec. 7020. To the extent that any appropriation authorizes expenditures of state funds from the state building construction account, or from any other capital project account in the state treasury, for a capital project or program that is specified to be funded with proceeds from the sale of bonds, the legislature declares that any such expenditures for that project or program made prior to the issue date of the applicable bonds are intended to be reimbursed from proceeds of those bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. Sec. 7021. (1) The department of enterprise services, in consultation with the office of financial management, is granted the authority to sell the real property known as the Tacoma Rhodes complex. The property consists of the Broadway building, Market building, and parking garage.

(2) The department may negotiate a sale with the city of Tacoma for less than fair market value, but the purchase price must cover appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities necessary to keep the department whole.

(3) If the department and the city of Tacoma are unable to negotiate agreed upon terms and execute a purchase and sale agreement by December 31, 2019, the department may sell the property to any purchaser for no less than fair market value.

(4) The terms and conditions of the sale must meet the business needs of the state tenants.

(5) Any sale proceeds remaining after the department has satisfied all of the obligations, including appraisal costs, all debt service, all closing costs, all financing contracts, and the cost of outstanding liabilities, must be deposited into the Thurston county capital facilities account.

NEW SECTION. Sec. 7022. (1) The department of natural resources must conduct an asset valuation of state lands and state forestlands held in trust and managed by the department. The analysis required in subsections (3) and (4) of this section may be provided through contracted services.

(2) The department must describe all trust lands, by trust, including timber lands, agricultural lands, commercial lands, and other lands, and identify revenues from leases or other sources for those lands. The department must briefly describe the income from these trust lands, and potential enhancements to income, including intergenerational income, from the asset bases of these trusts.

(3) The analysis must estimate the current fair market value of these lands for each trust beneficiary, including the separate beneficiaries of state lands as defined in RCW 79.02.010, and the beneficiaries of state forestlands as specified in chapter 79.22 RCW. The estimation of current fair market values must specify the values by the various asset classes including, but not limited to, the following asset classes: Timber lands; irrigated agriculture; dryland agriculture, including grazing lands; commercial real estate; mining; and other income production. The analysis must also estimate the value of ecosystem services and recreation benefits for asset classes that produce these benefits. The legislature encourages the department and its contractors to develop methods and tools to allow tracking of the estimated fair market values over time.

(4) For each of the different asset classes and for each of the various trusts, the analysis must calculate the average annual

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gross and net income as a percentage of estimated current asset value.

(5) The department must provide a progress report to the legislature by December 1, 2019, which may include any initial recommendations. The final report must be submitted by June 30, 2020, and must include options to:

- (a) Improve the net rates of return on different classes of assets;
- (b) Increase the reliability of, and enhance if possible, revenue for trust beneficiaries; and
- (c) Present and explain factors that either (i) define, (ii) constrict, or (iii) define and constrict the department's management practices and revenue production. The factors to be considered include, but are not limited to, statutory, constitutional, operational, and social factors.

Sec. 7023. RCW 28B.15.210 and 2017 3rd sp.s. c 1 s 952 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5). ~~((During the 2015-2017 biennium, sums credited to the University of Washington building account shall also be used for routine facility maintenance, utility costs, and facility condition assessments.))~~ During the 2017-2019 biennium, sums credited to the University of Washington building account ~~((shall))~~ may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2019-2021 biennium, sums credited to the University of Washington building account may also be used for routine facility maintenance, utility costs, and facility condition assessments.

Sec. 7024. RCW 28B.15.310 and 2017 3rd sp.s. c 1 s 953 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees shall be paid and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; and the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, and for certificates of participation under chapter 39.94 RCW, except for any sums transferred as authorized by law. ~~((During the 2015-2017 biennium, sums credited to the Washington State University building account shall also be used for routine facility maintenance, utility costs, and facility condition assessments.))~~

During the 2017-2019 biennium, sums credited to the Washington State University building account ~~((shall))~~ may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2019-2021 biennium, sums credited to the Washington State University building account may also be used for routine facility maintenance, utility costs, and facility condition assessments. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

Sec. 7025. RCW 28B.20.725 and 2018 c 2 s 7019 are each amended to read as follows:

The board is hereby empowered:

- (1) To reserve the right to issue bonds later on a parity with any bonds being issued;
- (2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;
- (3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;
- (4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;
- (5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. ~~((However, during the 2015-2017 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2015-2017 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.))~~ However, during the 2017-2019 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2017-2019 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2019-2021 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 7026. RCW 28B.30.750 and 2018 c 2 s 7020 are each amended to read as follows:

The board is hereby empowered:

- (1) To reserve the right to issue bonds later on a parity with any bonds being issued;
- (2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;
- (3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;
- (4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;
- (5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three

years from the date of such transfer on all outstanding bonds payable out of such fund. ~~((However, during the 2015-2017 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2015-2017 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.))~~ However, during the 2017-2019 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2017-2019 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund. However, during the 2019-2021 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within the 2019-2021 fiscal biennium from the date of such transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 7027. RCW 28B.35.370 and 2017 3rd sp.s. c 1 s 954 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve-month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of

buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. ~~((However, during the 2015-2017 biennium, sums in the respective capital accounts shall also be used for routine facility maintenance, utility costs, and facility condition assessments. However,))~~ During the 2017-2019 biennium, sums in the respective capital accounts ~~((shall))~~ may also be used for routine facility maintenance, utility costs, and facility condition assessments. During the 2019-2021 biennium, sums in the respective capital accounts may also be used for routine facility maintenance, utility costs, and facility condition assessments.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 7028. RCW 28B.50.360 and 2017 3rd sp.s. c 1 s 955 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board, if issuing bonds payable out of building fees, shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of enterprise services, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((However, during the 2015-2017 biennium, sums in the capital projects account shall also be used for routine facility maintenance and utility costs. However,))~~ During the 2017-2019 biennium, sums in the capital projects account ~~((shall))~~ may also be used for routine facility maintenance and utility costs. During the 2019-2021 biennium, sums in the capital projects account may also be used for routine facility maintenance and utility costs.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW.

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Sec. 7029. RCW 28B.77.070 and 2018 c 298 s 7014 are each amended to read as follows:

(1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4)(a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

(i) Office of financial management scores pursuant to chapter 43.88D RCW;

(ii) Preserving assets;

(iii) Degree production; and

(iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

(i) Include subpriorities;

(ii) Be organized by category;

(iii) Assume any state bond or building account biennial funding level to prioritize the list; or

(iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by November 1st and to the legislature by January 1st.

(6) For the 2017-2019 fiscal biennium and the 2019-2021 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded.

Sec. 7030. RCW 43.63A.125 and 2011 1st sp.s. c 48 s 7027 are each amended to read as follows:

(1) The department shall establish the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to solicit, evaluate, and rank applications for the building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from nonprofit organizations.

(b) The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. To be considered qualified, applicants must demonstrate that the proposed project:

(i) Will increase the range, efficiency, or quality of the services provided to citizens;

(ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;

(iii) Will offer three or more distinct activities that meet a single community service objective or offer a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;

(iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;

(v) Requires state funding to accomplish a discrete, usable phase of the project;

(vi) Is ready to proceed and will make timely use of the funds;

(vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms of the grant agreement and to maintain the project into the future;

(viii) Fills an unmet need for community services;

(ix) Will achieve its stated objectives; and

(x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.

(c) The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project, except, under exceptional circumstances, the department may reduce the amount of nonstate match required. However, during the 2019-2021 biennium, the legislature may waive the match required for the projects specified in section 1009 of this act. No more than ten percent of the total granted amount may be awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For purposes of this subsection, exceptional circumstances include but are not limited to: Natural disasters affecting projects; emergencies beyond an applicant's control, such as a fire or an unanticipated loss of a lease where services are currently provided; or a delay that could result in a threat to public health or safety. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(d) The department may not set a monetary limit to funding requests.

(3) The department shall submit biennially to the governor and the legislature in the department's capital budget request a ranked list of the qualified eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine building communities fund projects that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the biennial list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter. In addition, if cash funds have been appropriated, up to three million dollars may be used for technical assistance grants. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(4) In addition to the list of ranked qualified eligible projects, the department shall submit to the appropriate fiscal committees of the legislature a summary report that describes the solicitation and evaluation processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements.

(5) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.

(6) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 7031. RCW 43.83.020 and 2015 1st sp.s. c 4 s 33 are each amended to read as follows:

(1) The state building construction account is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts.

(2) During the ~~((2003-2005))~~ 2019-2021 fiscal biennium, the legislature may ~~((transfer))~~ direct the state treasurer to make transfers of moneys from the state building construction account to the ~~((conservation assistance))~~ advanced environmental mitigation revolving account ~~((such amounts as reflect the excess fund balance of the account)).~~

Sec. 7032. RCW 43.88D.010 and 2018 c 298 s 7013 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance

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specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For the 2017-2019 fiscal biennium and the 2019-2021 fiscal biennium, pursuant to subsection (1) of this section, by November 1, ~~((2018))~~ 2020, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For the 2017-2019 fiscal biennium and the 2019-2021 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, ~~((2018))~~ 2020, the institutions of higher education shall prepare and submit or resubmit to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

Sec. 7033. RCW 43.155.050 and 2017 3rd sp.s. c 10 s 5 and 2017 3rd sp.s. c 1 s 974 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving account fund was not found and the drinking water assistance account to provide for state match requirements under federal law. Not more than twenty percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. ~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account [fund], and the drinking water assistance account such amounts as reflect the excess fund balance of the account.))~~ During the ~~((2015-2017 and))~~ 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the state general fund such amounts as specified by the legislature. During the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. It is the intent of the legislature that this policy will be continued in subsequent fiscal biennia. If chapter . . . Laws of 2019 (Second Substitute Senate Bill No. 5511, broadband service) is enacted by June 30, 2019, then during the 2019-2021 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the statewide broadband account.

Sec. 7034. RCW 70.148.020 and 2016 sp.s. c 35 s 6013 and 2016 c 161 s 15 are each reenacted and amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Except as provided in chapter 70.340 RCW, expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

~~(3) ((During the 2015-2017 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the underground storage tank revolving account such amounts as reflect the excess fund balance of the account.))~~ During the 2019-2021 fiscal biennium, the legislature may make appropriations from the pollution liability insurance program trust account for the leaking tank model remedies activity.

(4) This section expires July 1, 2030.

Sec. 7035. RCW 90.94.090 and 2018 c 1 s 301 are each amended to read as follows:

(1) A joint legislative task force on water resource mitigation is established to review the treatment of surface water and groundwater appropriations as they relate to instream flows and fish habitat, to develop and recommend a mitigation sequencing process and scoring system to address such appropriations, and to review the Washington supreme court decision in *Foster v. Department of Ecology*, 184 Wn.2d 465, 362 P.3d 959 (2015).

(2) The task force must consist of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department, appointed by the director of the department;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochair of the task force:

(i) An organization representing the farming industry in Washington;

(ii) An organization representing Washington cities;

(iii) Two representatives from an environmental advocacy organization or organizations;

(iv) An organization representing municipal water purveyors;

(v) An organization representing business interests;

(vi) Representatives of two federally recognized Indian tribes, one invited by recommendation of the Northwest Indian fisheries commission, and one invited by recommendation of the Columbia river intertribal fish commission.

(3) If a member has not been designated for a position set forth in subsection (2) of this section, that position may not be counted for purposes of determining a quorum.

(4) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed as of January 19, 2018.

~~((4))~~ (5) The first meeting of the task force must occur by June 30, 2018.

~~((5))~~ (6) Staff support for the task force must be provided by the office of program research and senate committee services. The department and the department of fish and wildlife shall cooperate with the task force and provide information as the cochair reasonably request.

~~((6))~~ (7) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative

members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

~~((7))~~ (8)(a) By November 15, 2019, the joint legislative task force must make recommendations to the legislature in compliance with RCW 43.01.036. The task force may update its November 15, 2019, recommendations by November 15, 2020, if a majority of the members of the task force determine that such an update is appropriate based on additional information developed as a result of the pilot projects established under subsection (9) of this section.

(b) Recommendations of the joint legislative task force must be made by a sixty percent majority of the appointed members of the task force. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the support of at least five of the ~~((named))~~ appointed voting members of the task force may also be submitted to the legislature.

~~((8))~~ (9) The department shall issue permit decisions for up to five water resource mitigation pilot projects. It is the intent of the legislature to use the pilot projects to inform the legislative task force process while also enabling the processing of water right applications that address water supply needs. The department is authorized to issue permits in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under the following mitigation sequence:

(a) Avoiding impacts by: (i) Complying with mitigation required by adopted rules that set forth minimum flows, levels, or closures; or (ii) making the water diversion or withdrawal subject to the applicable minimum flows or levels; or

(b) Where avoidance of impacts is not reasonably attainable, minimizing impacts by providing permanent new or existing trust water rights or through other types of replacement water supply resulting in no net annual increase in the quantity of water diverted or withdrawn from the stream or surface water body and no net detrimental impacts to fish and related aquatic resources; or

(c) Where avoidance and minimization are not reasonably attainable, compensating for impacts by providing net ecological benefits to fish and related aquatic resources in the water resource inventory area through in-kind or out-of-kind mitigation or a combination thereof, that improves the function and productivity of affected fish populations and related aquatic habitat. Out-of-kind mitigation may include instream or out-of-stream measures that improve or enhance existing water quality, riparian habitat, or other instream functions and values for which minimum instream flows or closures were established in that watershed.

~~((9))~~ (10) The department must monitor the implementation of the pilot projects, including all mitigation associated with each pilot project, approved under this section at least annually through December 31, 2028.

~~((10))~~ (11) The pilot projects eligible for processing under this section, based on criteria as of January 19, 2018, include:

(a) A city operating a group A water system in Kitsap county and water resource inventory area 15, with a population between 13,000 and 14,000;

(b) A city operating a group A water system in Pierce county and water resource inventory area 10, with a population between 9,500 and 10,500;

(c) A city operating a group A water system in Thurston county and water resource inventory area 11, with a population between 8,500 and 9,500;

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(d) A nonprofit mutual water system operating a group A water system in Pierce county and water resource inventory area 12, with between 10,500 and 11,500 service connections; and

(e) An irrigation district located in Whatcom county and water resource inventory area 1, solely for the purpose of processing changes of water rights from surface water to groundwater, and implementing flow augmentation to benefit instream flows.

~~((44))~~ (12) Water right applicants eligible to be processed under this pilot project authority must elect to be included in the pilot project review by notifying the department by July 1, 2018. Once an applicant notifies the department of its intent to be processed under this pilot project authority, subsection ~~((8))~~ (9) of this section applies to final decisions issued by the department, even if such a final decision is issued after the expiration of this section.

~~((42))~~ (13) By November 15, 2018, the department must furnish the task force with information on conceptual mitigation plans for each water resource mitigation pilot project application. By November 15, 2019, the department must provide the task force with an update on the mitigation plans based on additional information developed after November 15, 2018.

~~((43))~~ (14) To ensure that the processing of pilot project applications can inform the task force process in a timely manner, the department must expedite processing of applications for water resource mitigation pilot projects. The applicant for each pilot project must reimburse the department for the department's costs of processing the applicant's application.

~~((44))~~ (15) The water resource mitigation pilot project authority granted to the department does not affect or modify any other procedural requirements of chapter 90.03, 90.44, or 90.54 RCW that apply to the processing of such applications.

~~((45))~~ (16) The joint legislative task force expires December 31, ~~((2019))~~ 2020. During the period from November 16, 2019, through December 31, 2020, the work of the task force is limited to:

(a) A review of any additional information that may be developed after November 15, 2019, as a result of the pilot projects established under subsection (9) of this section; and

(b) An update of the task force's November 15, 2019, recommendations under subsection (8) of this section.

~~((46))~~ (17) This section expires January 1, 2029.

NEW SECTION. Sec. 7036. The joint legislative task force created in 2018 c 298 s 7011 (uncodified) is hereby reauthorized through June 30, 2021, subject to the requirements that studies and selection of scientists or organizations to implement the studies must be made by a sixty percent majority of the members of the task force and that if a member has not been designated for a position set forth in subsection (2) of 2018 c 298 s 7011 (uncodified), that position may not be counted for purposes of determining a quorum.

Sec. 7037. 2018 c 298 s 7010 (uncodified) is amended to read as follows:

The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under ~~((section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018))~~ sections 6023 and 4005 of this act must be deposited into the account. Expenditures from the account may be used only for the purposes described in ~~((section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018))~~ sections 6023 and 4005 of this act. Only the community aviation revitalization board or the board's designee may authorize expenditures from the account.

The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 7038. UNIVERSITY OF WASHINGTON TRANSFER TO SEATTLE. By June 30, 2020, the University of Washington must transfer the deed of the property and general purpose facility, King County parcel number 308500-2100, located at 2901 27th Avenue South, Seattle, to the city of Seattle for the purposes of developing affordable housing for households at or below eighty percent of the area median income and providing health care services in partnership with a public hospital system. The University of Washington may reserve easements in the transferred property at no cost to the university. The transfer shall count toward the obligation to build affordable housing under the university's institutional campus master plan agreement. Liabilities existing on the property at the time of transfer will transfer with the property. When the deed is transferred to the city, any existing leases of the property expire. The transfer must be at no cost to the city.

NEW SECTION. Sec. 7039. PROPERTY TRANSFER SEATTLE CENTRAL. If House Bill No. 1918 (community preservation auth.) is enacted by June 30, 2019, the Seattle Central College must transfer the deed of the property located at 2120 South Jackson Street, Seattle, Washington 98144, to the community preservation and development authority established in the bill. The transfer must be made by no later than June 30, 2021, once the community preservation and development authority has selected board members. The transfer must be at no cost to the community preservation and development authority.

NEW SECTION. Sec. 7040. 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. 7041. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 28B.15.210, 28B.15.310, 28B.20.725, 28B.30.750, 28B.35.370, 28B.50.360, 28B.77.070, 43.63A.125, 43.83.020, 43.88D.010, and 90.94.090; amending 2018 c 2 ss 1010, 1019, 1013, 1014, 1028, 2019, 3024, 3093, 3109, 3105, 4002, and 5014, 2018 c 298 ss 1004, 1007, 1002, 1013, 1016, 2004, 2005, 2008, 2018, 5040, and 7010, and 2017 3rd sp.s. c 4 ss 1052, 3056, 3136, and 5058 (uncodified); reenacting and amending RCW 43.155.050 and 70.148.020; creating new sections; making appropriations; and declaring an emergency."

The President declared the question before the Senate to be the motion to adopt striking amendment no. 829 by Senator Frockt to Substitute House Bill No. 1102.

The motion by Senator Frockt carried and striking amendment no. 829 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 1102 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frockt, O'Ban, Mullet, Honeyford and Warnick spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1102 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1102, as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 1102, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator King: "I don't know how many of the people that are still up and awake that have worked on this but I think we normally have stood up and clapped for them and I think we ought to do that tonight and maybe again tomorrow."

The senate rose and recognized the work of the committee and caucus staffs involved with the capital budget.

SECOND READING

SENATE BILL NO. 6004, by Senator Rolfes

Relating to fiscal matters.

MOTION

On motion of Senator Rolfes, Substitute Senate Bill No. 6004 was substituted for Senate Bill No. 6004 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wagoner moved that the following amendment no. 824 by Senator Wagoner be adopted:

On page 3, beginning on line 33, strike all of subsection (5) and insert the following:

"(5)(a) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the prior calendar year was two hundred fifty thousand dollars or less; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(b) Upon every person engaging within this state in the business of acting as a travel agent or tour operator and whose annual taxable amount for the calendar year was more than two hundred fifty thousand dollars; as to such persons the amount of the tax with respect to such activities is equal to the gross income

derived from such activities multiplied by the rate of 0.275 percent through June 30, 2019, and 0.9 percent beginning July 1, 2019."

Senators Wagoner and Rolfes spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 824 by Senator Wagoner on page 3, line 33 to Substitute Senate Bill No. 6004.

The motion by Senator Wagoner carried and amendment no. 824 was adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Schoesler: "Mr. President, I believe there's another one or more amendments, still in the system, to come out."

REPLY BY THE PRESIDENT

President Habib: "Senator Schoesler, I've been told that we have one other amendment which has been pulled. It was pulled."

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute Senate Bill No. 6004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6004.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6004 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wagoner, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Schoesler, Short, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 6004, 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 Liias, the Senate advanced to the seventh order of business.

THIRD READING

MOTION FOR IMMEDIATE RECONSIDERATION

Pursuant to Rule 37, prior notice haven been given on April 8, 2019, Senator Liias moved that the rules be suspended and the

ONE HUNDRED FOURTH DAY, APRIL 27, 2019

2019 REGULAR SESSION

Aenate immediately reconsider the vote by which Substitute House Bill No. 1101 as amended by the Senate failed to pass the Senate on a previous legislative day.

The motion by Senator Liiias carried and the rules were suspended and the measure was immediately reconsidered by voice vote.

SUBSTITUTE HOUSE BILL NO. 1101, by House Committee on Capital Budget (originally sponsored by Tharinger) as amended by the Senate

Concerning state general obligation bonds and related accounts.

The measure was on third reading.

MOTION

On motion of Senator Frockt, the rules were suspended and Substitute House Bill No. 1101 was returned to second reading for the purposes of amendment by voice vote.

The vote by which the striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1101 was adopted on April 8, 2019 was reconsidered.

The committee striking amendment by the Committee on Ways & Means was not adopted on reconsideration.

MOTION

Senator Frockt moved that the following striking amendment no. 830 by Senator Frockt be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the omnibus capital and operating appropriations acts for the 2017-2019 and 2019-2021 fiscal biennia, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three billion two hundred million nine hundred twenty-six thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 2. (1) The proceeds from the sale of bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(a) Three billion twenty-four million two hundred ninety-two thousand dollars to remain in the state building construction account created by RCW 43.83.020;

(b) One hundred seventy-six million six hundred thirty-four thousand dollars to the state taxable building construction account. All receipts from taxable bonds issued are to be deposited into the account. If the state finance committee deems it necessary or advantageous to issue more than the amount specified in this subsection (1)(b) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state

taxable building construction account in lieu of any transfer otherwise provided by this section. If the state finance committee determines that a portion of the amount specified in this subsection (1)(b) as taxable bonds may be issued as nontaxable bonds in compliance with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, then such bond proceeds shall be transferred to the state building construction account in lieu of the transfer to the state taxable building construction account otherwise provided by this subsection (1)(b). The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary or that a transfer from the state taxable building construction account to the state building construction account may be made. Moneys in the account may be spent only after appropriation.

(2)(a) The treasurer shall transfer bond proceeds deposited in the state building construction account into the outdoor recreation account created by RCW 79A.25.060, the habitat conservation account created by RCW 79A.15.020, the farm and forest account created by RCW 79A.15.130, and the early learning facilities development account created by RCW 43.31.569, at various times and in various amounts necessary to support authorized expenditures from those accounts.

(b) The treasurer shall transfer bond proceeds deposited in the state taxable building construction account into the early learning facilities revolving account created by RCW 43.31.569, at various times and in various amounts necessary to support authorized expenditures from that account.

(3) These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 1 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 1 of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2 (1) and (2) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 4. (1) Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

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

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of

this act, and sections 2 and 3 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each added to chapter 43.100A RCW.

NEW SECTION. **Sec. 7.** 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. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "accounts;" strike the remainder of the title and insert "adding new sections to chapter 43.100A RCW; and declaring an emergency."

Senators Frockt and Honeyford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 830 by Senator Frockt to Substitute House Bill No. 1101.

The motion by Senator Frockt carried and striking amendment no. 830 was adopted by voice vote.

MOTION

On motion of Senator Frockt, the rules were suspended, Substitute House Bill No. 1101 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1101 as amended by the Senate on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1101 as amended by the Senate and the bill passed the Senate on reconsideration by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 1101, as amended by the Senate, having received the constitutionally required three-fifths majority, was declared passed on reconsideration. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1139,
HOUSE BILL NO. 1385,
SUBSTITUTE HOUSE BILL NO. 1436,
HOUSE BILL NO. 1499,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1696,
SECOND SUBSTITUTE HOUSE BILL NO. 1893,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015,
SUBSTITUTE HOUSE BILL NO. 2024,
HOUSE BILL NO. 2035,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097.

MOTION

At 12:40 a.m., on motion of Senator Liias, the Senate adjourned until 12:45 a.m. Sunday, April 28, 2019.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

ONE HUNDRED FIFTH DAY

EARLY MORNING SESSION

Senate Chamber, Olympia
Sunday, April 28, 2019

The Senate was called to order at 12:45 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

Lieutenant Governor Habib led the Senate in the Pledge of Allegiance.

The prayer was offered by Lieutenant Governor Habib including a benediction for the four victims and four survivors of a construction accident in Seattle which occurred the previous afternoon, their families, and the first-responders.

EDITOR'S NOTE: Miss Sarah Wong, 19, of Pasadena, Calif., a freshman at Seattle Pacific University; Mr. Andrew Yoder, 31, of North Bend, an ironworker; Mr. Travis Corbet, 33, of Portland, Ore., an ironworker; and Mr. Alan Justad, 71, of Seattle, a retired City of Seattle employee, passed away on the afternoon of Saturday, April 27, 2019 from injuries received when a construction crane fell from a building rooftop to the street below in the South Lake Union neighborhood of Seattle.

The President called upon the Secretary to read the journal of the preceding day.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

April 27, 2019

E2SHB 1873 Prime Sponsor, Committee on Appropriations: Concerning the taxation of vapor products as tobacco products. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Rolfes, Chair; Wagoner; Van De Wege; Pedersen; Liias; Keiser; Hunt; Darneille; Conway; Carlyle; Billig; Braun, Ranking Member; Mullet, Capital Budget Cabinet and Palumbo.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L.; Schoesler; Hasegawa; Becker Brown, Assistant Ranking Member, Operating.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Bailey; Honeyford, Assistant Ranking Member, Capital; Rivers and Warnick.

Referred to Committee on Rules for second reading.

April 27, 2019

ESHB 2140 Prime Sponsor, Committee on Appropriations: Concerning K-12 education funding. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Van De Wege; Frockt, Vice Chair, Operating, Capital Lead Rolfes, Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Mullet, Capital Budget Cabinet.

MINORITY recommendation: Do not pass. Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

April 27, 2019

E2SHB 2158 Prime Sponsor, Committee on Appropriations: Creating a workforce education investment to train Washington students for Washington jobs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Rolfes, Chair; Palumbo; Pedersen; Frockt, Vice Chair, Operating, Capital Lead; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Senators Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Rivers; Schoesler; Wagoner; Warnick and Wilson, L.

Referred to Committee on Rules for second reading.

April 27, 2019

SHB 2159 Prime Sponsor, Committee on Appropriations: Making expenditures from the budget stabilization account for declared catastrophic events. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Mullet, Capital Budget Cabinet; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Rivers; Van De Wege; Wagoner; Warnick; Frockt, Vice Chair, Operating, Capital Lead Rolfes, Chair.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Becker; Schoesler; Wilson, L.; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital and Bailey.

Referred to Committee on Rules for second reading.

April 27, 2019

ESHB 2163 Prime Sponsor, Committee on Appropriations: Transferring extraordinary revenue growth from the budget stabilization account for K-12 education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Pedersen; Palumbo; Liias; Keiser; Hunt; Hasegawa; Darneille; Conway; Carlyle; Billig; Braun, Ranking Member; Frockt, Vice Chair, Operating, Capital Lead; Rolfes, Chair; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Senators Mullet, Capital Budget Cabinet; Wilson, L.; Rivers; Becker; Bailey; Honeyford, Assistant Ranking Member, Capital Brown, Assistant Ranking Member, Operating.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Wagoner and Schoesler.

Referred to Committee on Rules for second reading.

April 27, 2019

SHB 2167 Prime Sponsor, Committee on Finance: Concerning tax revenue. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Liias; Palumbo; Pedersen; Van De Wege; Frockt, Vice Chair, Operating, Capital Lead Rolfes, Chair.

MINORITY recommendation: Do not pass. Signed by Senators Wagoner; Warnick; Wilson, L.; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Bailey; Becker; Rivers and Schoesler.

Referred to Committee on Rules for second reading.

April 27, 2019

SHB 2168 Prime Sponsor, Committee on Finance: Concerning tax preferences. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Wagoner; Van De Wege; Rivers; Pedersen; Palumbo; Liias; Keiser; Hunt; Darneille; Conway; Carlyle; Billig; Becker; Bailey; Honeyford, Assistant Ranking Member, Capital; Brown, Assistant Ranking Member, Operating; Braun, Ranking Member; Mullet, Capital Budget Cabinet; Frockt, Vice Chair, Operating, Capital Lead; Rolfes, Chair; Warnick and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Hasegawa and Schoesler.

Referred to Committee on Rules for second reading.

MOTION

On motion of Senator Liias, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Liias, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

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.

MOTION TO LIMIT DEBATE

Pursuant to Rule 29, on motion of Senator Liias and without objection, senators were limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day by voice vote.

PERSONAL PRIVILEGE

Senator Fortunato: "I would just like to acknowledge our citizens that have sat in the gallery all day and now a second day to participate in their governmental process. So I would like to say thank you for your commitment and to participating as citizens in the governmental process. Thank you for your commitment."

MOTION

At 12:52 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of a brief meeting of the Committee on Rules at the bar of the senate.

The Senate was called to order at 2:20 a.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107,
SUBSTITUTE HOUSE BILL NO. 1195,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 1224,
HOUSE BILL NO. 1301,
SUBSTITUTE HOUSE BILL NO. 1652,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1667,
ENGROSSED HOUSE BILL NO. 1789,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 27, 2019

MR. PRESIDENT:

The House has passed:

ONE HUNDRED FIFTH DAY, APRIL 28, 2019

2019 REGULAR SESSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5997,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5998,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 27, 2019

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5025 and passed the bill without the House amendment.

and the same are herewith transmitted.

Nona Snell, Deputy Chief Clerk

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1406, by House Committee on Housing, Community Development & Veterans (originally sponsored by Robinson, Macri, Chapman, Valdez, Senn, Peterson, Kloba, Tharinger, Gregerson, Stanford, Walen, Doglio, Frame, Jinkins, Riccelli, Slatter, Ormsby and Santos)

Encouraging investments in affordable and supportive housing.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.14 RCW to read as follows:

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

(a) "Nonparticipating city" is a city that does not impose a sales and use tax in accordance with the terms of this section.

(b) "Nonparticipating county" is a county that does not impose a sales and use tax in accordance with the terms of this section.

(c) "Participating city" is a city that imposes a sales and use tax in accordance with the terms of this section.

(d) "Participating county" is a county that imposes a sales and use tax in accordance with the terms of this section.

(e) "Qualifying local tax" means the following tax sources, if the tax source is instated no later than twelve months after the effective date of this section:

(i) The affordable housing levy authorized under RCW 84.52.105;

(ii) The sales and use tax for housing and related services authorized under RCW 82.14.530, provided the city has imposed the tax at a minimum or at least half of the authorized rate;

(iii) The sales tax for chemical dependency and mental health treatment services or therapeutic courts authorized under RCW 82.14.460 imposed by a city; and

(iv) The levy authorized under RCW 84.55.050, if used solely for affordable housing.

(2)(a) A county or city legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this section.

(b) The tax under this section is assessed on the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(c) The rate of the tax under this section for an individual participating city and an individual participating county may not exceed:

(i) Beginning on the effective date of this section until twelve months after the effective date of this section:

(A) 0.0073 percent for a:

(I) Participating city, unless the participating city levies a qualifying local tax; and

(II) Participating county, within the limits of nonparticipating cities within the county and within participating cities that do not currently levy a qualifying tax;

(B) 0.0146 percent for a:

(I) Participating city that currently levies a qualifying local tax;

(II) Participating city if the county in which it is located declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section; and

(III) Participating county within the unincorporated areas of the county and any city that declares they will not levy the sales and use tax authorized under this section or does not adopt a resolution in accordance with this section;

(ii) Beginning twelve months after the effective date of this section:

(A) 0.0073 percent for a:

(I) Participating city that is located within a participating county if the participating city is not levying a qualifying local tax; and

(II) Participating county, within the limits of a participating city if the participating city is not levying a qualifying local tax;

(B) 0.0146 percent within the limits of a:

(I) Participating city that is levying a qualifying local tax; and

(II) Participating county within the unincorporated area of the county and within the limits of any nonparticipating city that is located within the county.

(d) A county may not levy the tax authorized under this section within the limits of a participating city that levies a qualifying local tax.

(e)(i) In order for a county or city legislative authority to impose the tax under this section, the authority must adopt:

(A) A resolution of intent to adopt legislation to authorize the maximum capacity of the tax in this section within six months of the date in which this section takes effect; and

(B) Legislation to authorize the maximum capacity of the tax in this section within one year of the date on which this section takes effect.

(ii) Adoption of the resolution of intent and legislation requires simple majority approval of the enacting legislative authority.

(iii) If a county or city has not adopted a resolution of intent in accordance with the terms of this section, the county or city may not authorize, fix, and impose the tax.

(3) The tax imposed under this section must be deducted from the amount of tax otherwise required to be collected or paid to the department of revenue under chapter 82.08 or 82.12 RCW. The department must perform the collection of such taxes on behalf of the county or city at no cost to the county or city.

(4) By December 31, 2019, or within thirty days of a county or city authorizing the tax under this section, whichever is later, the department must calculate the maximum amount of tax distributions for each county and city authorizing the tax under this section as follows:

(a) The maximum amount for a participating county equals the taxable retail sales within the county in state fiscal year 2019

multiplied by the tax rate imposed under this section. If a county imposes a tax authorized under this section after a city located in that county has imposed the tax, the taxable retail sales within the city in state fiscal year 2019 must be subtracted from the taxable retail sales within the county for the calculation of the maximum amount; and

(b) The maximum amount for a city equals the taxable retail sales within the city in state fiscal year 2019 multiplied by the tax rate imposed under subsection (1) of this section.

(5) The tax must cease to be distributed to a county or city for the remainder of any fiscal year in which the amount of tax exceeds the maximum amount in subsection (4) of this section. The department must remit any annual tax revenues above the maximum to the state treasurer for deposit in the general fund. Distributions to a county or city meeting the maximum amount must resume at the beginning of the next fiscal year.

(6)(a) If a county has a population greater than four hundred thousand or a city has a population greater than one hundred thousand, the moneys collected or bonds issued under this section may only be used for the following purposes:

(i) Acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.385; or

(ii) Funding the operations and maintenance costs of new units of affordable or supportive housing.

(b) If a county has a population of four hundred thousand or less or a city has a population of one hundred thousand or less, the moneys collected under this section may only be used for the purposes provided in (a) of this subsection or for providing rental assistance to tenants.

(7) The housing and services provided pursuant to subsection (6) of this section may only be provided to persons whose income is at or below sixty percent of the median income of the county or city imposing the tax.

(8) In determining the use of funds under subsection (6) of this section, a county or city must consider the income of the individuals and families to be served, the leveraging of the resources made available under this section, and the housing needs within the jurisdiction of the taxing authority.

(9) To carry out the purposes of this section including, but not limited to, financing loans or grants to nonprofit organizations or public housing authorities, the legislative authority of the county or city imposing the tax has the authority to issue general obligation or revenue bonds within the limitations now or hereafter prescribed by the laws of this state, and may use, and is authorized to pledge, the moneys collected under this section for repayment of such bonds.

(10) A county or city may enter into an interlocal agreement with one or more counties, cities, or public housing authorities in accordance with chapter 39.34 RCW. The agreement may include, but is not limited to, pooling the tax receipts received under this section, pledging those taxes to bonds issued by one or more parties to the agreement, and allocating the proceeds of the taxes levied or the bonds issued in accordance with such interlocal agreement and this section.

(11) Counties and cities imposing the tax under this section must report annually to the department of commerce on the collection and use of the revenue. The department of commerce must adopt rules prescribing content of such reports. By December 1, 2019, and annually thereafter, and in compliance with RCW 43.01.036, the department of commerce must submit a report annually to the appropriate legislative committees with regard to such uses.

(12) The tax imposed by a county or city under this section expires twenty years after the date on which the tax is first imposed.

(13) If House Bill No. 1923 is enacted by the legislature, beginning on the date that House Bill No. 1923 takes effect, a city with a population over twenty thousand may no longer impose the tax authorized in this section if such city fails to take action to qualify by April 1, 2021, for a planning grant from the department of commerce under RCW 36.70A.--- (section 1, chapter . . . (HB 1923), Laws of 2019)."

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "and adding a new section to chapter 82.14 RCW."

MOTION

Senator Liias moved that the following amendment no. 825 by Senator Liias be adopted:

On page 5, beginning on line 13, strike all of subsection (13)

Senators Liias and Zeiger spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of amendment no. 825 by Senator Liias on page 5, line 13 to the committee striking amendment.

The motion by Senator Liias carried and amendment no. 825 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 1406.

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

MOTION

On motion of Senator Kuderer, the rules were suspended, Substitute House Bill No. 1406 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Zeiger and Frockt spoke in favor of passage of the bill.

Senators Fortunato and Ericksen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1406 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1406 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hasegawa, Hawkins, Honeyford, King, Padden, Schoesler, Short, Wagoner and Wilson, L.

Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 1406, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1107,
 SUBSTITUTE HOUSE BILL NO. 1195,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1224,
 HOUSE BILL NO. 1301,
 SUBSTITUTE HOUSE BILL NO. 1652,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1667,
 and ENGROSSED HOUSE BILL NO. 1789.

MOTION

At 2:30 a.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:40 a.m. by President Habib.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2158, by House Committee on Appropriations (originally sponsored by Hansen, Tarleton, Ormsby, Sullivan, Robinson, Bergquist, Slatter, Pollet, Valdez, Sells, Tharinger, Ortiz-Self, Appleton, Dolan, Macri, Senn, Thai, Kloba, Goodman, Stanford and Orwall)

Creating a workforce education investment to train Washington students for Washington jobs.

The measure was read the second time.

MOTION

Senator Holy moved that the following amendment no. 836 by Senator Holy be adopted:

On page 3, line 1, after "account." strike all material through "appropriation."

Beginning on page 3, line 11, strike all of sections 3 through 80 and insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

The legislature intends to secure additional revenue via surcharges targeted towards certain industries including select advanced computing businesses.

The legislature intends the provisions of this act to be applied broadly in favor of application of the surcharges. To achieve this intent, any provision within this act that is deemed to be ambiguous by a court of competent jurisdiction, the board of tax appeals, or any other judicial or administrative body, should be construed in favor of application of the surcharges.

(1)(a) Beginning with business activities occurring on or after January 1, 2020, in addition to the taxes imposed under RCW

82.04.290(2), a workforce education investment surcharge is imposed on specified persons. The surcharge is equal to the total amount of tax payable by the person on business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of twenty percent.

(b) For specified persons who report under one or more tax classifications, this surcharge applies only to business activities taxed under RCW 82.04.290(2).

(c) The surcharge imposed under this subsection (1) must be reported and paid in a manner and frequency as required by the department.

(2) For the purposes of this section, "specified person" means a person who is not subject to the surcharge under subsection (4) of this section and who is primarily engaged within this state in any combination of the following activities:

(a) Computer software publishing or publishing and reproduction. Establishments in this industry carry out operations necessary for producing and distributing computer software, such as designing, providing documentation, assisting in installation, and providing support services to software purchasers. These establishments may design, develop, and publish, or publish only. These establishments may publish and distribute software remotely through subscriptions and downloads;

(b) Conducting original investigation undertaken on a systematic basis to gain new knowledge or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes. Techniques may include modeling and simulation. The industries within this industry group are defined on the basis of the domain of research and on scientific expertise of the establishment;

(c) Putting capital at risk in the process of underwriting securities issues or in making markets for securities and commodities and those acting as agents or brokers between buyers and sellers of securities and commodities, usually charging a commission;

(d) Providing expertise in the field of information technologies through one or more of the following activities: (i) Writing, modifying, testing, and supporting computer software to meet the needs of a particular customer; (ii) planning and designing computer systems that integrate computer hardware, computer software, and communication technologies; (iii) on-site management and operation of clients' computer systems and data processing facilities; or (iv) other professional and technical computer-related advice and services;

(e) Performing central banking functions, such as issuing currency, managing the nation's money supply and international reserves, holding deposits that represent the reserves of other banks and other central banks, and acting as a fiscal agent for the central government;

(f)(i) Purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services, except satellite, to businesses and households; (ii) providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation; (iii) providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems; or (iv) providing internet access services or voice over internet protocol services via client-supplied telecommunications connections. Establishments in this industry do not operate as telecommunications carriers. Mobile virtual network operators are included in this industry;

(g)(i) Acting as principals in buying or selling financial contracts, except investment bankers, securities dealers, and commodity contracts dealers; (ii) acting as agents or brokers, except securities brokerages and commodity contracts brokerages, in buying or selling financial contracts; or (iii) providing other investment services except securities and commodity exchanges, such as portfolio management, investment advice, and trust, fiduciary, and custody services;

(h) Supplying information, such as news reports, articles, pictures, and features, to the news media. This industry comprises establishments primarily engaged in providing library or archive services. These establishments are engaged in maintaining collections of documents and facilitating the use of these documents as required to meet the informational, research, educational, or recreational needs of their user. These establishments may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest. All or portions of these collections may be accessible electronically. This industry comprises establishments engaged in: (i) Publishing and broadcasting content on the internet exclusively; or (ii) operating web sites that use a search engine to generate and maintain extensive databases of internet addresses and content in an easily searchable format, known as web search portals. The publishing and broadcasting establishments in this industry do not provide traditional versions of the content they publish or broadcast. They provide textual, audio, or video content of general or specific interest on the internet exclusively. Establishments known as web search portals often provide additional internet services, such as email, connections to other web sites, auctions, news, and other limited content, and serve as a home base for internet users. This industry comprises establishments primarily engaged in providing other information services, except news syndicates, libraries, archives, internet publishing and broadcasting, and web search portals;

(i) Architectural, engineering, and related services, such as drafting services, building inspection services, geophysical surveying and mapping services, surveying and mapping, except geophysical services and testing services;

(j) Retailing all types of merchandise using nonstore means, such as catalogs, toll-free telephone numbers, electronic media, such as interactive television or the internet, or selling directly to consumers in a nonretail, physical environment. Included in this industry are establishments primarily engaged in retailing from catalog showrooms of mail-order houses;

(k) Providing advice and assistance to businesses and other organizations on management, environmental, scientific, and technical issues;

(l) Providing infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services, or application hosting, or they may provide general time-share mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services;

(m) Facilitating credit intermediation by performing activities, such as arranging loans by bringing borrowers and lenders together and clearing checks and credit card transactions;

(n) Offering legal services, such as those offered by offices of lawyers, offices of notaries, and title abstract and settlement offices, and paralegal services;

(o) Operating or providing access to transmission facilities and infrastructure that they own or lease for the transmission of voice, data, text, sound, and video using wired telecommunications

networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including voice over internet protocol services, wired audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry;

(p) Providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications;

(q) Operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular phone services, paging services, wireless internet access, and wireless video services;

(r) Extending credit or lending funds raised by credit market borrowing, such as issuing commercial paper or other debt instruments or by borrowing from other financial intermediaries;

(s) Underwriting annuities and insurance policies and investing premiums to build up a portfolio of financial assets to be used against future claims. Direct insurance carriers are establishments that are primarily engaged in initially underwriting and assuming the risk of annuities and insurance policies. Reinsurance carriers are establishments that are primarily engaged in assuming all or part of the risk associated with an existing insurance policy originally underwritten by another insurance carrier. Industries are defined in terms of the type of risk being insured against, such as death, loss of employment because of age or disability, or property damage. Contributions and premiums are set on the basis of actuarial calculations of probable payouts based on risk factors from experience tables and expected investment returns on reserves;

(t) Merchant wholesale distribution of photographic equipment and supplies and office, computer, and computer peripheral equipment and medical, dental, hospital, ophthalmic, and other commercial and professional equipment and supplies;

(u) Operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature. These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers;

(v) Publishing newspapers, magazines, other periodicals, books, directories and mailing lists, and other works, such as calendars, greeting cards, and maps. These works are characterized by the intellectual creativity required in their development and are usually protected by copyright. Publishers distribute or arrange for the distribution of these works. Publishing establishments may create the works in-house, or contract for, purchase, or compile works that were originally created by others. These works may be published in one or more formats, such as print or electronic form, including proprietary electronic networks. Establishments in this industry may print, reproduce, or offer direct access to the works themselves or may arrange with others to carry out such functions. Establishments that both print and publish may fill excess capacity with commercial or job printing. However, the publishing activity is still considered to be the primary activity of these establishments;

(w) Generating, transmitting, or distributing electric power. Establishments in this industry group may perform one or more of the following activities: (i) Operate generation facilities that

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produce electric energy; (ii) operate transmission systems that convey the electricity from the generation facility to the distribution system; or (iii) operate distribution systems that convey electric power received from the generation facility or the transmission system to the final consumer;

(x) Providing specialized design services including interior design, industrial design, graphic design, and others, but not including architectural, engineering, and computer systems design;

(y) Assigning rights to assets, such as patents, trademarks, brand names, or franchise agreements, for which a royalty payment or licensing fee is paid to the asset holder;

(z) Acting as agents in selling annuities and insurance policies or providing other employee benefits and insurance related services, such as claims adjustment and third-party administration;

(aa) Business-to-business electronic markets that bring together buyers and sellers of goods using the internet or other electronic means and generally receive a commission or fee for the service. Business-to-business electronic markets for durable and nondurable goods are included in this industry. This industry comprises wholesale trade agents and brokers acting on behalf of buyers or sellers in the wholesale distribution of goods. Agents and brokers do not take title to the goods being sold but rather receive a commission or fee for their service. Agents and brokers for all durable and nondurable goods are included in this industry;

(bb) Accepting deposits or share deposits and in lending funds from these deposits. Within this group, industries are defined on the basis of differences in the types of deposit liabilities assumed and in the nature of the credit extended;

(cc)(i) Manufacturing complete aircraft, missiles, or space vehicles; (ii) manufacturing aerospace engines, propulsion units, auxiliary equipment or parts; (iii) developing and making prototypes of aerospace products; (iv) aircraft conversion; or (v) complete aircraft or propulsion systems overhaul and rebuilding;

(dd) Advertising, public relations, and related services, such as media buying, independent media representation, outdoor advertising, direct mail advertising, advertising material distribution services, and other services related to advertising;

(ee) Providing services, such as auditing of accounting records, designing accounting systems, preparing financial statements, developing budgets, preparing tax returns, processing payrolls, bookkeeping, and billing;

(ff) The independent practice of general or specialized medicine or surgery by businesses comprised of one or more health practitioners having the degree of doctor of medicine or doctor of osteopathy. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers;

(gg) Providing a range of outpatient services, such as family planning, diagnosis and treatment of mental health disorders and alcohol and other substance abuse, and other general or specialized outpatient care by businesses with medical staff;

(hh) Pooling securities or other assets, except insurance and employee benefit funds, on behalf of shareholders, unit holders, or beneficiaries, by legal entities such as investment pools or funds;

(ii) Promoting the interests of an organization's members, except religious organizations, social advocacy organizations, and civic and social organizations. Examples of establishments in this industry are business associations, professional organizations, labor unions, and political organizations;

(jj) Holding the securities of or other equity interests in companies and enterprises for the purpose of owning a controlling interest or influencing management decisions or businesses that

administer, oversee, and manage other establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise. Establishments that administer, oversee, and manage may hold the securities of the company or enterprise;

(kk) For medical and diagnostic laboratories, providing analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner;

(ll) Serving as offices of chief executives and their advisory committees and commissions. This industry includes offices of the president, governors, and mayors, in addition to executive advisory commissions. This industry comprises government establishments serving as legislative bodies and their advisory committees and commissions. Included in this industry are legislative bodies, such as congress, state legislatures, and advisory and study legislative commissions. This industry comprises government establishments primarily engaged in public finance, taxation, and monetary policy. Included are financial administration activities, such as monetary policy, tax administration and collection, custody and disbursement of funds, debt and investment administration, auditing activities, and government employee retirement trust fund administration. This industry comprises government establishments serving as councils and boards of commissioners or supervisors and such bodies where the chief executive is a member of the legislative body itself. This industry comprises American Indian and Alaska Native governing bodies. Establishments in this industry perform legislative, judicial, and administrative functions for their American Indian and Alaska Native lands. Included in this industry are American Indian and Alaska Native councils, courts, and law enforcement bodies. This industry comprises government establishments primarily engaged in providing general support for government. Such support services include personnel services, election boards, and other general government support establishments that are not classified elsewhere in public administration;

(mm) Providing a range of office administrative services, such as financial planning, billing and recordkeeping, personnel, and physical distribution and logistics, for others on a contract or fee basis. These establishments do not provide operating staff to carry out the complete operations of a business;

(nn) Providing professional, scientific, or technical services including marketing research, public opinion polling, photographic services, translation and interpretation services, and veterinary services. This category does not include legal services, accounting, tax preparation, bookkeeping, architectural, engineering, and related services, specialized design services, computer systems design, management, scientific and technical consulting services, scientific research and development services, or advertising services;

(oo) The independent practice of general or specialized dentistry or dental surgery by businesses comprised of one or more health practitioners having the degree of doctor of dental medicine, doctor of dental surgery, or doctor of dental science. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or health maintenance organization medical centers. They may provide either comprehensive preventive, cosmetic, or emergency care, or specialize in a single field of dentistry;

(pp) The independent practice of general or specialized medicine or surgery, or general or specialized dentistry or dental surgery, by businesses comprised of one or more independent health practitioners, other than physicians and dentists;

(qq) Providing ambulatory health care services.

(3)(a)(i) For the purposes of this section, a person is primarily engaged within this state in any combination of the activities described in subsection (2) of this section if more than fifty percent of the person's cumulative gross amount reportable under this chapter during the entire current or immediately preceding calendar year was generated from engaging in any one or more of the activities described in subsection (2) of this section. For purposes of this subsection, "gross amount reportable" means the total value of products, gross proceeds of sales, and gross income of the business, reportable to the department before application of any tax deductions.

(ii) If a person was not primarily engaged within this state in any combination of the activities described in subsection (2) of this section during the immediately preceding year, and the person is unsure whether the person will be subject to the workforce investment surcharge for the current calendar year until the close of the current calendar year, the person must, if necessary, file corrected returns with the department of revenue to pay any additional tax due under this section for the current calendar year. Payment of additional tax, along with corrected returns, is due and payable when the person's last return for the calendar year during which the tax liability accrued is due and payable. Additional tax due under this section is subject to penalties and interest as provided under chapter 82.32 RCW only if the tax is not paid in full by the date due as provided in this subsection (3)(a)(ii).

(b) The entire amount of gross income of the business received by a person pursuant to a contract under which the person is obligated to perform any activity described under subsection (2) of this section is deemed to be generated from engaging in any one or more of the activities described in subsection (2) of this section.

(4)(a) Beginning with business activities occurring on or after January 1, 2020, in addition to the taxes imposed under RCW 82.04.290(2), a workforce education investment surcharge is imposed on select advanced computing businesses as follows:

(i) For an affiliated group that has worldwide gross revenue of more than twenty-five billion dollars, but not more than one hundred billion dollars, during the entire current or immediately preceding calendar year, the surcharge is equal to the total amount of tax payable by each member of the affiliated group on all business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of thirty-three and one-third percent.

(ii) For an affiliated group that has worldwide gross revenue of more than one hundred billion dollars during the entire current or immediately preceding calendar year, the surcharge is equal to the total amount of tax payable by each member of the affiliated group on all business activities taxed under RCW 82.04.290(2), before application of any tax credits, multiplied by the rate of sixty-six and two-thirds percent.

(b) In no case will the combined surcharge imposed under this subsection (4) paid by all members of an affiliated group be less than four million dollars or more than seven million dollars annually.

(c) For persons subject to the surcharge imposed under this subsection (4) that report under one or more tax classifications, the surcharge applies only to business activities taxed under RCW 82.04.290(2).

(d) The surcharge imposed under this subsection (4) must be reported and paid in a manner and frequency as required by the department.

(e) To aid in the effective administration of the surcharge in this subsection (4), the department may require persons believed to be engaging in advanced computing or affiliated with a person believed to be engaging in advanced computing to disclose

whether they are a member of an affiliated group and, if so, to identify all other members of the affiliated group subject to the surcharge. If the department determines that a person, with intent to evade the surcharge under this subsection (4), did not carry to fully comply with this subsection (4)(e), the seven million dollar limitation in (b) of this subsection (4) does not apply to the person's affiliated group.

(f) For the purposes of this subsection (4) the following definitions apply:

(i) "Advanced computing" means designing or developing computer software or computer hardware, whether directly or contracting with another person, including modifications to computer software or computer hardware, cloud computing services, or operating an online marketplace, an online search engine, or online social networking platform;

(ii) "Affiliate" and "affiliated" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person;

(iii) "Affiliated group" means a group of two or more persons that are affiliated with each other;

(iv) "Cloud computing services" means on-demand delivery of computing resources, such as networks, servers, storage, applications, and services, over the internet;

(v) "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise; and

(vi) "Select advanced computing business" means a person who is a member of an affiliated group with at least one member of the affiliated group engaging in the business of advanced computing, and the affiliated group has worldwide gross revenue of more than twenty-five billion dollars during the entire current or immediately preceding calendar year. A person who is primarily engaged within this state in the provision of commercial mobile service, as that term is defined in 47 U.S.C. Sec. 332(d)(1), shall not be considered a select advanced computing business. A person who is primarily engaged in this state in the operation and provision of access to transmission facilities and infrastructure that the person owns or leases for the transmission of voice, data, text, sound, and video using wired telecommunications networks shall not be considered a select advanced computing business.

(5) The workforce education investment surcharges under this section do not apply to any hospital as defined in RCW 70.41.020, including any hospital that comes within the scope of chapter 71.12 RCW if the hospital is also licensed under chapter 70.41 RCW.

(6) Revenues from the surcharges under this section must be deposited directly into the workforce education investment account established in section 2 of this act.

(7) The department has the authority to determine through an audit or other investigation whether a person is subject to the surcharges imposed in this section. The department's determination that a person is subject to the surcharge is presumed to be correct unless the person shows by clear, cogent, and convincing evidence that the department's determination was incorrect.

(8) Revenue from the workforce education investment surcharges shall be transferred to the workforce education investment account established in section 2 of this act. With the funds provided by the transfer to the workforce education investment account, the office of financial management shall allocate to the state board for community and technical colleges and to each of the four-year institutions of higher education an amount that is equal to the net revenue loss from resident undergraduate tuition operating fees based on state-supported

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full-time equivalent enrollment received for the 2017-2019 fiscal biennium under RCW 28B.15.067. The net revenue loss shall be adjusted for inflation in subsequent biennia.

(9) As used in this section and RCW 28B.15.069, "inflation" shall be based on the consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people and covering areas exclusively within the boundaries of the state shall be used.

Sec. 4. RCW 28B.15.067 and 2015 3rd sp. s. c 36 s 3 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning in the 2011-12 academic year and through the 2014-15 academic year, reductions or increases in full-time tuition fees shall be as provided in the omnibus appropriations act for resident undergraduate students at community and technical colleges.

(3)(a) In the 2015-16 and 2016-17 academic years, tuition operating fees for resident undergraduates at community and technical colleges excluding applied baccalaureate degrees as defined in RCW 28B.50.030, shall be five percent less than the 2014-15 academic year tuition operating fee.

(b) Beginning in the 2019-20 academic year, tuition operating fees for resident undergraduates at community and technical colleges shall be twenty-five percent less than the 2018-19 academic year tuition operating fees.

(c) Beginning in the (~~2017-18~~) 2020-21 academic year, tuition operating fees for resident undergraduates at community and technical colleges excluding applied baccalaureate degrees as defined in RCW 28B.50.030, may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

(4) The governing boards of the state universities, regional universities, and The Evergreen State College; and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including nonresident students, summer school students, and students in other self-supporting degree programs. Percentage increases in full-time tuition may exceed the fiscal growth factor. Except during the 2013-2015 fiscal biennium, the state board for community and technical colleges may pilot or institute differential tuition models. The board may define scale, scope, and rationale for the models.

(5)(a) Beginning with the 2011-12 academic year and through the end of the 2014-15 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may reduce or increase full-time tuition fees for all students, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students; however, during the 2013-2015 fiscal biennium, reductions or increases in tuition must be uniform among resident undergraduate students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Each governing board shall make public its proposal for tuition and fee increases twenty-one days

before the governing board of the institution considers adoption and allow opportunity for public comment. However, the requirement to make public a proposal for tuition and fee increases twenty-one days before the governing board considers adoption shall not apply if the omnibus appropriations act has not passed the legislature by May 15th. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. The state board for community and technical colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(6)(a) In the 2015-16 academic year, full-time tuition operating fees for resident undergraduates for state universities, regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be five percent less than the 2014-15 academic year tuition operating fee.

(b) Beginning with the 2016-17 academic year, full-time tuition operating fees for resident undergraduates for:

(i) State universities shall be fifteen percent less than the 2014-15 academic year tuition operating fee; and

(ii) Regional universities, The Evergreen State College, and applied baccalaureate degrees as defined in RCW 28B.50.030 shall be twenty percent less than the 2014-15 academic year tuition operating fee.

(c) In the 2019-20 academic year, full-time tuition operating fees for resident undergraduates for state universities, regional universities, and The Evergreen State College shall be twenty-five percent less than the 2018-19 academic year tuition operating fee.

(d) Beginning with the (~~2017-18~~) 2020-21 academic year, full-time tuition operating fees for resident undergraduates in (b) of this subsection may increase by no more than the average annual percentage growth rate in the median hourly wage for Washington for the previous fourteen years as the wage is determined by the federal bureau of labor statistics.

(7) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(8) The tuition fees established under this chapter shall not apply to eligible students enrolling in a dropout reengagement program through an interlocal agreement between a school district and a community or technical college under RCW 28A.175.100 through 28A.175.110.

(9) The legislative advisory committee to the committee on advanced tuition payment established in RCW 28B.95.170 shall:

(a) Review the impact of differential tuition rates on the funded status and future unit price of the Washington advanced college tuition payment program; and

(b) No later than January 14, 2013, make a recommendation to the appropriate policy and fiscal committees of the legislature regarding how differential tuition should be addressed in order to maintain the ongoing solvency of the Washington advanced college tuition payment program.

(10) As a result of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess., the governing boards of the state universities, the regional universities, and The Evergreen

State College shall not reduce resident undergraduate enrollment below the 2014-15 academic year levels."

On page 1, beginning on line 2 of the title, after "jobs;" strike all material through "dates" on line 21 and insert "amending RCW 28B.15.067; adding a new section to chapter 43.79 RCW; adding a new section to chapter 82.04 RCW; and creating a new section"

The President declared the question before the Senate to be the adoption of amendment no. 836 by Senator Holy on page 3, line 1 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Holy did not carry and amendment no. 836 was not adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 837 by Senator Becker be adopted:

On page 8, after line 13, insert the following:

"(8) \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2020, from the workforce education investment account and \$1,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2021, from the workforce education investment account provided solely for the nurse educator incentive grant program established in section 73 of this act."

On page 80, after line 26, insert the following:

"NEW SECTION. Sec. 73. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The nurse educator incentive grant program is established. The program shall be administered by the college board. In administering the program, the college board shall:

(a) Verify nurse educators who are eligible to participate in the program;

(b) Adopt rules and develop guidelines to administer the program;

(c) Coordinate with the community and technical colleges, professional associations, and the student achievement council to publicize the program, particularly to maximize participation among individuals in shortage areas and among populations expected to experience the greatest growth in the workforce; and

(d) Accept grants and donations from public and private sources for the program.

(2) Nurse educators employed by a Washington state community or technical college are eligible to participate in the program immediately after commencing their employment as a nurse educator for a college.

(3) Each participant is eligible for a maximum benefit amount equal to the total cost of tuition fees for an approved doctorate of nursing program or educational doctorate in nursing leadership.

(4) Incentive grant payments under the program shall begin no later than ninety days after a nurse educator has become a participant. Subject to the rules deemed appropriate by the college board, incentive grant payments shall be made to the participant until:

(a) The maximum benefit amount has been reached; or

(b) The participant becomes ineligible due to discontinued service as a nurse educator on behalf of a Washington state community or technical college.

(5) The college board may provide incentive grants to eligible participants from the funds appropriated for this purpose or from any private or public funds given to the college board for this purpose. Funds appropriated for the program, including reasonable administrative costs, may be used by the college board for the purposes of program administration.

(6) For the purposes of this section:

(a) "Nurse educator" means a person who teaches nursing candidates within a nursing program at a state community or technical college.

(b) "Participant" means a nurse educator who has earned a doctorate from an approved program, is a Washington resident, received an incentive grant, and commenced practice as a nurse educator at a state community or technical college.

(c) "Program" means the nurse educator incentive grant program.

(d) "Tuition fees" has the same meaning as in RCW 28B.15.020."

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

On page 1, line 13 of the title, after "28B.145 RCW;" strike all material through "section" and insert "adding new sections"

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

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 837 by Senator Becker on page 8, after line 13 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Becker did not carry and amendment no. 837 was not adopted by voice vote.

MOTION

Senator Holy moved that the following amendment no. 835 by Senator Holy be adopted:

On page 16, line 34, after "office;" strike "and"

On page 16, line 36, after "institution" insert "; and

(f) Must not have been convicted of a felony"

Senator Holy spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 835 by Senator Holy on page 16, line 34 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Holy did not carry and amendment no. 835 was not adopted by voice vote.

MOTION

Senator Brown moved that the following amendment no. 838 by Senator Brown be adopted:

On page 18, after line 25, insert the following:

"(3) For students who are dependents of active duty military members, the first twenty-five thousand dollars of the family's income may not be considered when determining the student's income eligibility."

Senator Brown spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 838 by Senator Brown on page 18, after line 25 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Brown did not carry and amendment no. 838 was not adopted by voice vote.

POINT OF ORDER

Senator Padden: "I understand that people in the gallery are taking pictures against the rules that I believe you've established, and the policy you've established. Maybe you could instruct them?"

RULING BY THE PRESIDENT

President Habib: "Senator Padden, under the ruling that I issued earlier in the session, photos from the galleries are permitted as long as they are done in a manner that is respectful and not disruptive to the Senate. So, especially given the fact that we were not doing anything at that moment, it is hard to see how we were being disrupted. But I will ask that members of the public and/or staff that take photos be aware of the restrictions and the policy and the Sergeant At Arms is certainly aware and enforcing those. Thank you."

Senator Carlyle moved that the following amendment no. 842 by Senators Carlyle and Braun be withdrawn:

Beginning on page 83, line 34, strike all of section 74 and insert the following:

"NEW SECTION. Sec. 74. A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning July 1, 2019, an additional rate of tax of 0.3 percent is added to the rate provided for in RCW 82.04.255, 82.04.285, and 82.04.290(2)(a).

(2) The additional rate in subsection (1) of this section does not apply to persons engaging within this state in business as a hospital. "Hospital" has the meaning provided in chapter 70.41 RCW but also includes any hospital that comes within the scope of chapter 71.12 RCW if the hospital is also licensed under chapter 70.41 RCW.

(3) Revenues received from the additional rate in this section must be deposited into the workforce education investment account created in section 2 of this act.

Sec. 75. RCW 82.04.4451 and 2010 1st sp.s. c 23 s 1102 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. Except for taxpayers that report at least fifty percent of their taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a taxpayer for a reporting period is (~~(thirty-five)~~) one hundred dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045. For a taxpayer that reports at least fifty percent of its taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a reporting period is (~~(seventy)~~) three hundred seventy-five dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

(2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter.

(3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero.

(4) The department may prepare a tax credit table consisting of tax ranges using increments of no more than five dollars and a corresponding tax credit to be applied to those tax ranges. The table shall be prepared in such a manner that no taxpayer will owe a greater amount of tax by using the table than would be owed by performing the calculation under subsections (1) through (3) of this section. A table prepared by the department under this subsection must be used by all taxpayers in taking the credit provided in this section."

On page 1, line 8 of the title, after "28B.115.070," strike "and 28B.15.621" and insert "28B.15.621, and 82.04.4451"

Senator Braun objected to the motion by Senator Carlyle.

The President declared the question before the Senate to be the motion that amendment no. 842 by Senators Carlyle and Braun on page 83, line 34 to Engrossed Second Substitute House Bill No. 2158 be withdrawn.

The motion by Senator Carlyle did not carry and amendment no. 842 was not withdrawn by a rising vote.

MOTION

Senator Braun moved that the amendment by Senators Carlyle and Braun, no. 842, be adopted:

Senators Braun, Rivers and Fortunato spoke in favor of adoption of the amendment.

Senators Rolfes and Billig spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Mullet: "I noticed you mentioned this could simplify the evening. I was curious as I was reading through this stack of amendments after this one if this amendment were to hang does that mean some of the other amendments would ..., we wouldn't have to go through all those I guess?"

Senator Braun: "Yes, in fact I think most of them if not all of them would go away. Good question. Thank you."

Senator Braun 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 adoption of the amendment by Senators Carlyle and Braun on page 83, line 34 to Engrossed Second Substitute House Bill No. 2158.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Carlyle and the amendment, having failed to receive a majority, was not adopted by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, O'Ban, Padden, Palumbo, Rivers, Salomon, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senator Sheldon.

The President voted nay.

MOTION

Senator Rivers moved that the following amendment no. 841 by Senator Rivers be adopted:

On page 84, beginning on line 1, strike all material through "surcharges." on line 6

On page 94, beginning on line 34, strike all of subsection (7)

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

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 841 by Senator Rivers on page 84, line 1 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Rivers did not carry and amendment no. 841 was not adopted by voice vote.

MOTION

Senator Pedersen moved that the following amendment no. 887 by Senator Pedersen be adopted:

On page 84, line 6, after "surcharges." insert "The rule of statutory construction in favor of the application of the surcharge under this paragraph does not apply on or after January 1, 2022."

Senator Pedersen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 887 by Senator Pedersen on page 84, line 6 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Pedersen carried and amendment no. 887 was adopted by voice vote.

MOTION

Senator Rivers moved that the following amendment no. 886 by Senator Rivers be adopted:

On page 84, on line 10, after "equal to" strike all material through "percent" on line 13 and insert "the gross income of the business subject to tax under RCW 82.04.290(2) multiplied by the rate of 0.3 percent"

Senator Rivers spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 886 by Senator Rivers on page 84, line 10 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Rivers did not carry and amendment no. 886 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following amendment no. 843 by Senator Rivers be adopted:

On page 84, beginning on line 24, strike all of subsection (2)(a) Reletter the remaining subsections consecutively and correct any internal references accordingly.

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

Senator Rolfes spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 843 by Senator Rivers on page 84, line 24 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Rivers did not carry and amendment no. 843 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following amendment no. 881 by Senator Wagoner be adopted:

On page 84, beginning on line 32, strike all of subsection (2)(b) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 881 by Senator Wagoner on page 84, line 32 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Wagoner did not carry and amendment no. 881 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 844 by Senator Warnick be adopted:

Beginning on page 84, line 39, strike all of subsection (2)(c) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 844 by Senator Warnick on page 84, line 39 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Warnick did not carry and amendment no. 844 was not adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 845 by Senator Becker be adopted:

On page 85, beginning on line 3, strike all of subsection (2)(d) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 845 by Senator Becker on page 85, line 3 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Becker did not carry and amendment no. 845 was not adopted by voice vote.

MOTION

Senator Brown moved that the following amendment no. 846 by Senator Brown be adopted:

On page 85, beginning on line 12, strike all of subsection (2)(e) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Brown spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 846 by Senator Brown on page 85, line 12 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Brown did not carry and amendment no. 846 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following amendment no. 847 by Senator Rivers be adopted:

On page 85, beginning on line 17, strike all of subsection (2)(f)

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

Senator Rivers spoke in favor of adoption of the amendment.

Senator Zeiger demanded a roll call.

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

MOTION

On motion of Senator Wilson, C., Senator Mullet was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rivers on page 85, line 17 to Engrossed Second Substitute House Bill No. 2158.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Rivers and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Mullet and Sheldon.

MOTION

Senator Honeyford moved that the following amendment no. 848 by Senator Honeyford be adopted:

On page 85, beginning on line 31, strike all of subsection (2)(g) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 848 by Senator Honeyford on page 85, line 31 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Honeyford did not carry and amendment no. 848 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following amendment no. 882 by Senator Wagoner be adopted:

Beginning on page 85, line 39, strike all of subsection (2)(h)

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

Senator Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 882 by Senator Wagoner on page 85, line 39 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Wagoner did not carry and amendment no. 882 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 849 by Senator Warnick be adopted:

On page 86, beginning on line 25, strike all of subsection (2)(i) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senators Warnick, Padden, Walsh and Fortunato spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 849 by Senator Warnick on page 86, line 25 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Warnick did not carry and amendment no. 849 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following amendment no. 850 by Senator Wilson, L. be adopted:

On page 86, beginning on line 29, strike all of subsection (2)(j) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Wilson, L. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 850 by Senator Wilson, L. on page 86, line 29 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Wilson, L. did not carry and amendment no. 850 was not adopted by voice vote.

MOTION

Senator Becker moved that the following amendment no. 851 by Senator Becker be adopted:

On page 86, beginning on line 35, strike all of subsection (2)(k) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 851 by Senator Becker on page 86, line 35 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Becker did not carry and amendment no. 851 was not adopted by voice vote.

MOTION

Senator Warnick moved that the following amendment no. 852 by Senator Warnick be adopted:

On page 86, beginning on line 38, strike all of subsection (2)(l) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Warnick spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 852 by Senator Warnick on page 86, line 38 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Warnick did not carry and amendment no. 852 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following amendment no. 853 by Senator Wilson, L. be adopted:

On page 87, beginning on line 5, strike all of subsection (2)(m) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Wilson, L. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 853 by Senator Wilson, L. on page 87, line 5 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Wilson, L. did not carry and amendment no. 853 was not adopted by voice vote.

MOTION

Senator Bailey moved that the following amendment no. 854 by Senator Bailey be adopted:

On page 87, beginning on line 8, strike all of subsection (2)(n) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senators Bailey and O'Ban spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 854 by Senator Bailey on page 87, line 8 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Bailey did not carry and amendment no. 854 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 855 by Senator Braun be adopted:

On page 87, beginning on line 11, strike all of subsection (2)(o) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senators Braun and Ericksen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 855 by Senator Braun on page 87, line 11 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Braun did not carry and amendment no. 855 was not adopted by voice vote.

MOTION

Senator Braun moved that the following amendment no. 856 by Senator Braun be adopted:

On page 87, beginning on line 23, strike all of subsection (2)(p) Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senator Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 856 by Senator Braun on page 87, line 23 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Braun did not carry and amendment no. 856 was not adopted by voice vote.

Further consideration of Engrossed Second Substitute House Bill No. 2158 was deferred.

MOTION

On motion of Senator Liias and without objection, the Committee on State Government, Tribal Relations & Elections was relieved of further consideration of Senate Bill No. 6025, concerning bump-fire stock buy back program records, and the bill was placed on the day's second reading calendar.

MOTION

At 3:58 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President for the purposes of brief caucuses.

The Senate was called to order at 4:23 a.m. by President Pro Tempore Keiser.

MOTION

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

MESSAGES FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5596,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5993,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 27, 2019

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1170 and has passed the bill as recommended by the Conference Committee.
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 2158.

WITHDRAWAL OF AMENDMENTS

With the consent of the senate and without objection, the following amendments to Engrossed Second Substitute House Bill No. 2158 were withdrawn:

amendment no. 857, by Senator Rivers on page 87, line 27;
amendment no. 858, by Senator Brown on page 87, line 32;
amendment no. 859, by Senator Becker on page 87, line 35;
amendment no. 860, by Senator Becker on page 88, line 8;
amendment no. 883, by Senator Wagoner on page 88, line 12;
amendment no. 862, by Senator Brown on page 88, line 34;
amendment no. 884, by Senator Wagoner on page 89, line 3;
amendment no. 863, by Senator Brown on page 89 In 6;
amendment no. 864, by Senator Becker on page 89, line 9;
amendment no. 865, by Senator Rivers on page 89, line 12;
amendment no. 866, by Senator Brown on page 89, line 26;

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amendment no. 867, by Senator Rivers on page 89, line 31; amendment no. 868, by Senator Becker on page 89, line 35; amendment no. 869, by Senator Becker on page 89, line 39; amendment no. 870, by Senator Becker on page 90, line 5; amendment no. 871, by Senator Rivers on page 90, line 12; amendment no. 872, by Senator Wilson, L. on page 90, line 25; amendment no. 873, by Senator Rivers on page 90, line 29; amendment no. 874, by Senator Becker on page 91, line 15; amendment no. 875, by Senator Schoesler on page 91, line 20; amendment no. 876, by Senator Rivers on page 91, line 28; amendment no. 877, by Senator Becker on page 91, line 37; amendment no. 878, by Senator Becker on page 92, line 1; amendment no. 888 by Senator Rivers on page 94, line 39; and amendment no. 885 by Senator Braun on page 95, line 2.

MOTION

Senator Rivers moved that the following amendment no. 861 by Senator Rivers be adopted:

On page 88, beginning on line 19, strike all of subsection (2)(v)
 Reletter the remaining subsections consecutively and correct any internal references accordingly.

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

Senator Short demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rivers on page 88, line 19 to Engrossed Second Substitute House Bill No. 2158.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Rivers and the amendment was not adopted by the following vote: Yeas, 20; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

Excused: Senators Mullet and Sheldon.

MOTION

Senator Becker moved that the following amendment no. 840 by Senator Becker be adopted:

Beginning on page 89, line 39, strike all of subsections (2)(ff) and (gg)

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

On page 90, beginning on line 25, strike all of subsection (2)(kk)

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

On page 91, beginning on line 28, strike all of subsections (2)(oo) and (pp)

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

On page 94, after line 39, insert the following:

"(8) Notwithstanding any other provisions in this section, the workforce education investment surcharge under this section does not apply to any health care services."

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

Senator Becker demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Becker on page 89, line 39, to Engrossed Second Substitute House Bill No. 2158.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Becker and the amendment was not adopted by the following vote: Yeas, 22; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Braun, Brown, Cleveland, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, O'Ban, Padden, Randall, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Mullet and Sheldon.

MOTION

Senator Rivers moved that the following amendment no. 879 by Senator Rivers be adopted:

On page 94, line 31, after "(6)" insert "The workforce education investment surcharge under this section does not apply to any person for whom twenty percent or more of their cumulative gross amount reportable under this chapter during the entire current or immediately preceding calendar year is from medicare and medicaid payments.

(7)"

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

Senators Rivers and O'Ban spoke in favor of adoption of the amendment.

Senator Rivers demanded a roll call.

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

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rivers on page 94, line 31 to Engrossed Second Substitute House Bill No. 2158.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Rivers and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Braun, Brown, Cleveland, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Kuderer, O'Ban, Padden, Randall, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Mullet and Sheldon.

MOTION

Senator Pedersen moved that the following amendment no. 880 by Senator Pedersen be adopted:

On page 94, line 39, after "incorrect." insert "The increased evidentiary standard under this subsection (7) does not apply after January 1, 2022."

Senator Pedersen spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 880 by Senator Pedersen on page 94, line 39 to Engrossed Second Substitute House Bill No. 2158.

The motion by Senator Pedersen carried and amendment no. 880 was adopted by voice vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Second Substitute House Bill No. 2158 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

Senators Braun and Becker spoke against passage of the bill.

MOTION

Senator Takko demanded that the previous question be put.

The President Pro Tempore declared that at least two additional senators joined the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Takko carried and the previous question was put by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2158 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2158 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Mullet and Sheldon

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2158, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Liias, and without objection, Senate Concurrent Resolution No. 8406 was placed on the third reading calendar.

MOTION

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

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 8406, by Senator Liias

Authorizing consideration of Senate Bill No. 6025.

The bill was read on Third Reading.

Senator Liias spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8406.

SENATE CONCURRENT RESOLUTION NO. 8406 having received a majority was adopted by voice vote.

MOTION

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

SECOND READING

SENATE BILL NO. 6025, by Senators Honeyford, Takko, Padden, Hobbs, Schoesler, Becker, Fortunato, Wilson, L., King, Zeiger, Short, Ericksen, Wagoner, Brown, Holy, Warnick, Braun, Sheldon and Conway

Concerning bump-fire stock buy-back program records.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Padden and Takko spoke in favor of passage of the bill.

MOTION

On motion of Senator Wilson, C., Senators Conway and Palumbo were excused.

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The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6025.

On motion of Senator Rivers, Senators Fortunato, Padden and Sheldon were excused.

ROLL CALL

MESSAGE FROM THE HOUSE

April 27, 2019

The Secretary called the roll on the final passage of Senate Bill No. 6025 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6016 with the following amendment(s): 6016.E AMH FIN H3194.1

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Cleveland, Darneille, Das, Dhingra, Ericksen, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Liias, Lovelett, McCoy, O'Ban, Padden, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, L. and Zeiger

Strike everything after the enacting clause and insert the following:

Voting nay: Senators Carlyle, Frockt, Kuderer, Nguyen, Palumbo, Pedersen and Wilson, C.

"NEW SECTION. Sec. 1. In 1995, the legislature enacted a business and occupation tax rate for persons providing international investment management services. The legislature finds that the original intent of this tax rate was to reduce a competitive disadvantage for a limited number of firms providing international investment management services. The fiscal note for the bill stated that "only a very limited taxpayer group would benefit from the reduced rate." The legislature further finds that as a result of the adoption of economic nexus; a single factor, market-based apportionment methodology; and significant ambiguity in the statute governing the qualifications for the tax rate; a much larger number of businesses are claiming the tax rate than was contemplated in 1995. Therefore, the legislature intends in sections 2 and 3 of this act to clarify the scope of activities and persons eligible for the tax rate to more closely align with the legislature's original intent.

Excused: Senators Conway, Mullet and Sheldon

Sec. 2. RCW 82.04.290 and 2014 c 97 s 404 are each amended to read as follows:

SENATE BILL NO. 6025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:15 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

MORNING SESSION

The Senate was called to order at 11:54 a.m. by the Acting President Pro Tempore, Senator Hasegawa presiding.

(1) Upon every person engaging within this state in the business of providing qualifying international investment management services, as to such persons, the amount of tax with respect to such business is equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

MOTION

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

(2)(a) Upon every person engaging within this state in any business activity other than or in addition to an activity taxed explicitly under another section in this chapter or subsection (1) or (3) of this section; as to such persons the amount of tax on account of such activities is equal to the gross income of the business multiplied by the rate of 1.5 percent.

MESSAGES FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

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

(b) This subsection (2) includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his or her principal or supplier to be used for informational, educational, and promotional purposes is not considered a part of the agent's remuneration or commission and is not subject to taxation under this section.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1839,

ENGROSSED HOUSE BILL NO. 2020,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT PRO TEMPORE

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

SUBSTITUTE SENATE BILL NO. 5668,

SENATE BILL NO. 5881,

SUBSTITUTE SENATE BILL NO. 5883,

SUBSTITUTE SENATE BILL NO. 5894,

ENGROSSED SENATE BILL NO. 5937,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5997,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5998.

MOTION

(3)(a) Until July 1, 2040, upon every person engaging within this state in the business of performing aerospace product development for others, as to such persons, the amount of tax with respect to such business is equal to the gross income of the business multiplied by a rate of 0.9 percent.

(b) A person reporting under the tax rate provided in this subsection (3) must file a complete annual report with the department under RCW 82.32.534.

(c) "Aerospace product development" has the meaning as provided in RCW 82.04.4461.

Sec. 3. RCW 82.04.293 and 1997 c 7 s 3 are each amended to read as follows:

For purposes of RCW 82.04.290:

(1) A person is engaged in the business of providing qualifying international investment management services, if:

(a) Such person is engaged primarily in the business of providing investment management services; ~~(and)~~

(b) At least ten percent of the gross income of such person is derived from providing investment management services to any of the following:

(i) ~~((Persons or))~~ Collective investment funds ((residing)) commercially domiciled, as defined in RCW 82.56.010, outside the United States; or

(ii) ~~((persons or))~~ Collective investment funds with at least ten percent of their investments located outside the United States((-

~~2) "Investment management services" means investment research, investment consulting, portfolio management, fund administration, fund distribution, investment transactions, or related investment services.~~

~~(3) "Collective investment fund" includes:~~

~~(a));~~

~~(c) More than twenty-five percent of such person's employees are located in this state; and~~

~~(d) Such person is a member of an affiliated group that collectively has:~~

~~(i) Ten or more offices located in at least eight foreign countries;~~

~~(ii) At least five hundred full-time employees worldwide;~~

~~(iii) Worldwide gross revenue of more than four hundred million dollars during the entire current or immediately preceding calendar year; and~~

~~(iv) Average assets under management of more than two hundred billion dollars during the entire current or immediately preceding calendar year.~~

~~(2) An affiliate of a person engaged in the business of providing qualifying international investment management services is deemed to also be engaged in the business of providing qualifying international investment management services if the affiliate:~~

~~(a) Is primarily engaged in providing portfolio management, fund administration, fund distribution, or transfer agent services, or any combination of these activities, to, either directly or indirectly through such affiliate's affiliated group, any of the following:~~

~~(i) Collective investment funds commercially domiciled, as defined in RCW 82.56.010, outside the United States; or~~

~~(ii) Collective investment funds with at least ten percent of their investments located outside the United States; and~~

~~(b) Satisfies the requirement under subsection (1)(c) of this section.~~

~~(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a)(i) "Affiliate" and "affiliated" mean a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person.~~

~~(ii) For purposes of this subsection (3)(a), "control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.~~

~~(b) "Affiliated group" means any group of two or more persons that are all affiliated with each other.~~

~~(c) "Collective investment fund" includes:~~

~~(i) A mutual fund or other regulated investment company, as defined in section 851(a) of the internal revenue code of 1986, as amended;~~

~~((b))~~ ~~(ii)~~ An "investment company," as that term is used in section 3(a) of the investment company act of 1940, as well as any entity that would be an investment company for this purpose but for the exemptions contained in section 3(c) (1) or (11);

~~((e))~~ ~~(iii)~~ An "employee benefit plan," which includes any plan, trust, commingled employee benefit trust, or custodial arrangement that is subject to the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., or that is described in sections 125, 401, 403, 408, 457, and 501(c)(9) and (17) through (23) of the internal revenue code of 1986, as amended, or a similar plan maintained by a state or local government, or a plan, trust, or custodial arrangement established to self-insure benefits required by federal, state, or local law;

~~((d))~~ ~~(iv)~~ A fund maintained by a tax-exempt organization, as defined in section 501(c)(3) of the internal revenue code of 1986, as amended, for operating, quasi-endowment, or endowment purposes;

~~((e))~~ ~~(v)~~ Funds that are established for the benefit of such tax-exempt organizations, such as charitable remainder trusts, charitable lead trusts, charitable annuity trusts, or other similar trusts; or

~~((f))~~ ~~(vi)~~ Collective investment funds similar to those described in ~~((a))~~ ~~(c)(i)~~ through ~~((e))~~ ~~(v)~~ of this subsection (3) created under the laws of a foreign jurisdiction.

~~(d) "Investment management services" means managing the collective assets of a collective investment fund by engaging, either directly or indirectly through such person's affiliated group, in all of the following activities: (i) Portfolio management; (ii) fund administration; (iii) fund distribution; and (iv) transfer agent services.~~

~~(4) Investments are located outside the United States if the underlying assets in which the investment constitutes a beneficial interest reside or are created, issued or held outside the United States.~~

~~(5) If a person engaged in the business of providing international investment management services no longer meets the Washington state employment eligibility requirements under subsection (1)(c) of this section, then an amount equal to the entire economic benefit accruing to the person in the current and immediately prior nine consecutive calendar years, or the consecutive years since the effective date of this act, whichever is less, as a result of the preferential tax rate under RCW 82.04.290(1) is immediately due and payable.~~

~~(6) The department must assess interest, but not penalties, on the amounts due under this section. The interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW and accrue until the taxes for which a tax preference has been used are repaid.~~

NEW SECTION. Sec. 4. (1) The legislature finds that a strong financial cluster is critical to the economic health of Washington state. The legislature further finds that anchor institutions are key to growing a strong financial cluster, including international investment management firms. Therefore, the legislature finds that maintaining a competitive tax policy in Washington state enables the state to maintain its anchor investment management firms.

(2) The legislature finds that standard financial information has not historically been subject to sales tax. In 2007 the legislature clarified that sales tax does not apply to electronically delivered standard financial information purchased by investment management companies or financial institutions. In 2013, the legislature provided clarification by passing a sales and use tax exemption for standard financial information purchased by investment management companies.

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(3) The legislature further finds that taxation of such standard financial information would be uncompetitive and inconsistent with the fundamental structure of sales tax as a tax on retail transactions. Therefore, it is the legislature's intent to conform with a previously determined policy objective of exempting certain standard financial information purchased by investment management companies from sales and use tax in order to improve industry competitiveness.

NEW SECTION. Sec. 5. (1) This section is the tax preference performance statement for the tax preferences contained in sections 6 and 7, chapter . . . , Laws of 2019 (sections 6 and 7 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to improve industry competitiveness, as indicated in RCW 82.32.808(2)(b) and to reduce structural inefficiencies in the tax structure as indicated in RCW 82.32.808(2)(d).

(3) It is the legislature's specific public policy objective to maintain a viable financial cluster. It is the legislature's intent to exempt sales and use taxes on sales of standard financial information to qualifying international investment management companies, in order to maintain the presence of at least one international investment management services firm headquartered in Washington state with at least two hundred billion dollars of assets under management.

(4) If a review finds that there is at least one international investment management services firm with at least two hundred billion dollars of assets under management headquartered in Washington state, then the legislature intends to extend the expiration date of the tax preferences.

Sec. 6. RCW 82.08.207 and 2013 2nd sp.s. c 13 s 702 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales of standard financial information to qualifying international investment management companies or persons affiliated with a qualifying international investment management company. The exemption provided in this section applies regardless of whether the standard financial information is provided to the buyer in a tangible format or on a tangible storage medium or as a digital product transferred electronically.

(2) Sellers making tax-exempt sales under this section must obtain an exemption certificate from the buyer in a form and manner prescribed by the department. The seller must retain a copy of the exemption certificate for the seller's files. In lieu of an exemption certificate, a seller may capture the relevant data elements as allowed under the streamlined sales and use tax agreement. For sellers who electronically file their taxes, the department must provide a separate tax reporting line for exemption amounts claimed under this section.

(3) A buyer may not continue to claim the exemption under this section once the buyer has purchased standard financial information during the current calendar year with an aggregate total selling price in excess of fifteen million dollars and an exemption has been claimed under this section or RCW 82.12.207 for such standard financial information. The fifteen million dollar limitation under this subsection does not apply to any other exemption under this chapter that applies to standard financial information. Sellers are not responsible for ensuring a buyer's compliance with the fifteen million dollar limitation under this subsection. Sellers may not be assessed for uncollected sales tax on a sale to a buyer claiming an exemption under this section after

having exceeded the fifteen million dollar limitation under this subsection, except as provided in RCW 82.08.050 (4) and (5).

(4) The definitions in this subsection and RCW 82.04.293 apply throughout this section unless the context clearly requires otherwise.

(a)((+)) "Qualifying international investment management company" means a person(=

~~(A) Who is primarily engaged in the business of providing investment management services; and~~

~~(B) Who has gross income that is at least ten percent derived from providing investment management services to:~~

~~(i) Persons or collective investment funds residing outside the United States; or~~

~~(ii) Collective investment funds with at least ten percent of their investments located outside the United States.~~

~~(ii) The definitions in RCW 82.04.293 apply to this subsection (4)(a)) who is eligible for the tax rate in RCW 82.04.290(1).~~

(b)(i) "Standard financial information" means financial data, facts, or information, or financial information services, not generated, compiled, or developed only for a single customer. Standard financial information includes, but is not limited to, financial market data, bond ratings, credit ratings, and deposit, loan, or mortgage reports.

(ii) For purposes of this subsection (4)(b), "financial market data" means market pricing information, such as for securities, commodities, and derivatives; corporate actions for publicly and privately traded companies, such as dividend schedules and reorganizations; corporate attributes, such as domicile, currencies used, and exchanges where shares are traded; and currency information.

(5) This section expires July 1, ~~((2021))~~ 2031.

Sec. 7. RCW 82.12.207 and 2013 2nd sp.s. c 13 s 703 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of standard financial information by qualifying international investment management companies or persons affiliated, as defined in RCW 82.04.293, with a qualifying international investment management company. The exemption provided in this section applies regardless of whether the standard financial information is in a tangible format or resides on a tangible storage medium or is a digital product transferred electronically to the qualifying international investment management company.

(2) The definitions, conditions, and requirements in RCW 82.08.207 apply to this section.

(3) This section expires July 1, ~~((2021))~~ 2031.

NEW SECTION. Sec. 8. 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. 9. The provisions of RCW 82.32.805 and 82.32.808 do not apply to sections 2 and 3 of this act.

NEW SECTION. Sec. 10. Sections 2 and 3 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 July 1, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6016.

Senator Liias spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6016.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6016 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6016, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6016, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Hasegawa, Holy, Honeyford, King, Nguyen, O'Ban, Rivers, Schoesler, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Fortunato, Padden and Sheldon

ENGROSSED SENATE BILL NO. 6016, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5825 with the following amendment(s): 5825-S.E AMH ENGR H3161.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature recognizes that the Puget Sound region is faced with growing traffic congestion and must improve mobility for people and goods by maximizing the effectiveness of the freeway system. Investments in the Interstate 405, state route number 167, and state route number 509 corridors are essential for providing benefits for the movement of vehicles and people. Further, the legislature recognizes that in 2015, the passage of the connecting Washington transportation revenue proposal assumed that tolling would be a component of projects on these corridors.

(2) The legislature recognizes that completion of state route number 167 in Pierce county and completion of state route number 509 in King county provide essential connections to the Port of Tacoma and the Port of Seattle and will help ensure people and goods move more reliably through the Puget Sound region. The completion of these corridors, known as the Gateway project, will play an essential role in enhancing the state's economic competitiveness, both nationally and globally.

(3) The legislature acknowledges that as one of the most congested freeway sections in the state, the combined Interstate 405 and state route number 167 corridor in King county serves as an ideal candidate for an express toll lanes network. The express toll lanes network provides a tool for managing the use of high occupancy vehicle lanes while generating funds to improve projects in the corridor.

(4) Therefore, it is the intent of this act to expedite the delivery of the Puget Sound Gateway facility, designate the Puget Sound Gateway project as an eligible toll facility, and authorize the imposition of tolls on the Puget Sound Gateway facility. It is further the intent of this act to direct the department of transportation to develop and operate an express toll lanes network on Interstate 405 from the city of Lynnwood on the north end to the intersection of state route number 167 and state route number 512 on the south end.

NEW SECTION. Sec. 2. (1) In order to provide funds necessary for the design, right-of-way, and construction of projects as allowed in sections 11 through 14 of this act, there shall be issued and sold upon the request of the department of transportation up to the following amounts of general obligation bonds of the state of Washington first payable from toll revenue and excise taxes on fuel and vehicle-related fees in accordance with section 5 of this act:

(a) One billion one hundred sixty million dollars for the Interstate 405 and state route number 167 express toll lanes; and

(b) Three hundred forty million dollars for the Puget Sound Gateway facility.

(2) For purposes of chapter . . . , Laws of 2019 (this act), "vehicle-related fees" means vehicle-related fees imposed under Title 46 RCW that constitute license fees for motor vehicles to be used for highway purposes.

NEW SECTION. Sec. 3. Upon the request of the department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of bonds authorized by this act in accordance with chapter 39.42 RCW. Bonds authorized by this act shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 4. (1) The proceeds from the sale of bonds authorized by:

(a) Section 2(1)(a) of this act shall be deposited in the Interstate 405 and state route number 167 express toll lanes account created in section 12 of this act; and

(b) Section 2(1)(b) of this act shall be deposited in the Puget Sound Gateway facility account created in section 14 of this act.

(2) The bond proceeds shall be available only for the purposes enumerated in section 2, chapter . . . , Laws of 2019 (section 2 of this act), for the payment of bond anticipation notes or other interim financing, if any, capitalizing interest on the bonds, funding a debt service reserve fund, if any, and for the payment of bond issuance costs, including the costs of underwriting.

NEW SECTION. Sec. 5. Bonds issued under the authority of this section and sections 2, 6, and 7 of this act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on the bonds shall be first payable in the manner provided in this section and sections 2, 6, and 7 of this act from toll revenue and then from

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proceeds of excise taxes on fuel and vehicle-related fees to the extent toll revenue is not available for that purpose. Toll revenue and the state excise taxes on fuel imposed by chapter 82.38 RCW and vehicle-related fees are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of this section and sections 2, 6, and 7 of this act, and the legislature agrees to continue to impose these toll charges on the Interstate 405 and state route number 167 express toll lanes, and on the Puget Sound Gateway facility, and on any other eligible toll facility designated by the legislature and on which the imposition of tolls is authorized by the legislature in respect of the bonds, and excise taxes on fuel and vehicle-related fees in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of this section and sections 2, 6, and 7 of this act.

NEW SECTION. Sec. 6. For bonds issued under the authority of this section and sections 2, 5, and 7 of this act, the state treasurer shall first withdraw toll revenue from the appropriate toll account for the facility for which the bonds are issued and sold, and, to the extent toll revenue is not available, excise taxes on fuel and vehicle-related fees and deposit in the toll facility bond retirement account, or a special subaccount in the account, such amounts, and at such times, as are required by the bond proceedings.

Any excise taxes on fuel and vehicle-related fees required for bond retirement or interest on the bonds authorized by this section and sections 2, 5, and 7 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on fuel and vehicle-related fees and which is, or may be, appropriated to the department for state highway purposes. Funds required shall never constitute a charge against any other allocations of fuel tax and vehicle-related fee revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on fuel and vehicle-related fees distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the fuel taxes and vehicle-related fees that are distributable to the state, counties, cities, and towns shall be repaid from available toll revenue in the manner provided in the bond proceedings or, if toll revenue is not available for that purpose, from the first revenues from the excise taxes on fuel and vehicle-related fees distributed to the motor vehicle fund not required for bond retirement or interest on the bonds. Any excise taxes on fuel and vehicle-related fees required for bond retirement or interest on the bonds authorized by this section and sections 2, 5, and 7 of this act shall be reimbursed to the motor vehicle fund from toll revenue in the manner and with the priority specified in the bond proceedings.

NEW SECTION. Sec. 7. Bonds issued under the authority of sections 2, 5, and 6 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge excise taxes on fuel and vehicle-related fees for the payment of principal and interest thereon shall be an equal charge against the revenues from such excise taxes on fuel and vehicle-related fees.

Sec. 8. RCW 47.10.882 and 2011 c 377 s 3 are each amended to read as follows:

The toll facility bond retirement account is created in the state treasury for the purpose of payment of the principal of and interest and premium on bonds. Both principal of and interest on the bonds issued for the purposes of chapter 498, Laws of 2009 (~~and~~), chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act) shall be payable from the toll facility bond retirement

account. The state finance committee may provide that special subaccounts be created in the account to facilitate payment of the principal of and interest on the bonds. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings.

Sec. 9. RCW 47.10.887 and 2011 c 377 s 5 are each amended to read as follows:

The state finance committee may determine and include in any resolution authorizing the issuance of any bonds under chapter 498, Laws of 2009 (~~and~~), chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act), such terms, provisions, covenants, and conditions as it may deem appropriate in order to assist with the marketing and sale of the bonds, confer rights upon the owners of bonds, and safeguard rights of the owners of bonds including, among other things:

(1) Provisions regarding the maintenance and operation of eligible toll facilities;

(2) The pledges, uses, and priorities of application of toll revenue;

(3) Provisions that bonds shall be payable from and secured solely by toll revenue as provided by RCW 47.10.886, or shall be payable from and secured by both toll revenue and by a pledge of excise taxes on motor vehicle and special fuels and the full faith and credit of the state as provided in RCW 47.10.879 and 47.10.883 through 47.10.885;

(4) Provisions that bonds shall be payable from and secured by both toll revenue and by a pledge of excise taxes on fuel and vehicle-related fees and the full faith and credit of the state as provided in sections 2 and 5 through 7 of this act;

(5) In consultation with the department of transportation and the tolling authority, financial covenants requiring that the eligible toll facilities must produce specified coverage ratios of toll revenue to debt service on bonds;

~~((5))~~ (6) The purposes and conditions that must be satisfied prior to the issuance of any additional bonds that are to be payable from and secured by any toll revenue on an equal basis with previously issued and outstanding bonds payable from and secured by toll revenue;

~~((6))~~ (7) Provisions that bonds for which any toll revenue are pledged, or for which a pledge of any toll revenue may be reserved, may be structured on a senior, parity, subordinate, or special lien basis in relation to any other bonds for which toll revenue is pledged, with respect to toll revenue only; and

~~((7))~~ (8) Provisions regarding reserves, credit enhancement, liquidity facilities, and payment agreements with respect to bonds.

Notwithstanding the foregoing, covenants and conditions detailing the character of management, maintenance, and operation of eligible toll facilities, insurance for eligible toll facilities, financial management of toll revenue, and disposition of eligible toll facilities must first be approved by the department of transportation.

The owner of any bond may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon the tolling authority and the department of transportation and their respective officials, including any duties imposed upon or undertaken by them or by their respective officers, agents, and employees, in connection with the construction, maintenance, and operation of eligible toll facilities and in connection with the collection, deposit, investment, application, and disbursement of the proceeds of the bonds and toll revenue.

Sec. 10. RCW 47.10.888 and 2011 c 377 s 6 are each amended to read as follows:

(1) For the purposes of chapter 498, Laws of 2009 (~~and~~), chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act), "toll revenue" means all toll receipts, all interest income derived from the investment of toll receipts, and any gifts, grants, or other funds received for the benefit of transportation facilities in the state, including eligible toll facilities. However, for the purpose of any pledge of toll revenue to the payment of particular bonds issued under chapter 498, Laws of 2009 (~~and~~), chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act), "toll revenue" means and includes only such toll revenue or portion thereof that is pledged to the payment of those bonds in the resolution authorizing the issuance of such bonds. Toll revenue constitutes "fees and revenues derived from the ownership or operation of any undertaking, facility, or project" as that phrase is used in Article VIII, section 1(c)(1) of the state Constitution.

(2) For the purposes of chapter 498, Laws of 2009 (~~and~~), chapter 377, Laws of 2011, and chapter . . . , Laws of 2019 (this act), "tolling authority" has the same meaning as in RCW 47.56.810.

Sec. 11. RCW 47.56.880 and 2011 c 369 s 3 are each amended to read as follows:

(1) The imposition of tolls for express toll lanes on Interstate 405 between ~~((the junctions with))~~ Interstate 5 on the north end ~~((and NE 6th Street))~~ in the city of ~~((Bellevue))~~ Lynnwood and Interstate 5 on the south end in the city of Tukwila, and for state route number 167 between Interstate 405 on the north end and state route number 512 on the south end is authorized~~((;))~~, Interstate 405 ~~((is))~~ and state route number 167 are designated an eligible toll facility, and toll revenue generated in the corridor must only be expended on the Interstate 405 and state route number 167 projects as identified in each corridor's master plan and as allowed under RCW 47.56.820.

(2) Tolls for the express toll lanes must be set as follows:

(a) The schedule of toll rates must be set by the tolling authority pursuant to RCW 47.56.850. Toll rates may vary in amount by time of day, level of traffic congestion within the highway facility, or other criteria, as the tolling authority deems appropriate.

(b) In those locations with two express toll lanes in each direction, the toll rate must be the same in both lanes.

(c) Toll charges may not be assessed on transit buses and vanpools.

(d) The department shall establish performance standards for travel time, speed, and reliability for the express toll lanes project. The department must automatically adjust the toll rate within the schedule established by the tolling authority, using dynamic tolling, to ~~((ensure))~~ maintain the goal that average vehicle speeds in the lanes remain above forty-five miles per hour at least ninety percent of the time during peak hours.

(e) The tolling authority shall periodically review the toll rates against traffic performance of all lanes to determine if the toll rates are effectively maintaining travel time, speed, and reliability on the highway facilities.

(f)(i) Toll charges may not be assessed on carpools with two or more people in the vehicle on the portion of Interstate 405 between Bellevue and state route number 167 for at least the first year following the initial imposition of tolls on that portion of the express toll lanes, contingent upon the analysis described in (f)(ii) of this subsection.

(ii) The department must analyze the effect of (f)(i) of this subsection utilizing forecasting and modeling data and present the results of the analysis to the tolling authority. If the analysis indicates that the express toll lanes on the portion of Interstate 405

between Bellevue and state route number 167 will not cover the financial obligations outlined in section 12(4) of this act, then the restriction on toll charges in (f)(i) of this subsection will not be implemented and the department must provide the transportation committees of the legislature with a report, within thirty days, that provides options for not assessing toll charges on carpools with two or more people in the vehicle, which also meet the financial obligations outlined in section 12(4) of this act.

(g) After the bonds issued pursuant to section 2(1)(a) of this act are retired, the tolling authority must reduce the toll rates commensurate with this reduction in the amount of toll revenues required from the express toll lanes.

~~(3) ((The department may construct and operate express toll lanes on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end. Operation of the express toll lanes may not commence until the department has completed capacity improvements necessary to provide a two lane system from NE 6th Street in the city of Bellevue to state route number 522 and the conversion of the existing high occupancy vehicle lane to an express toll lane between state route number 522 and the city of Lynnwood. Construction of the capacity improvements described in this subsection, including items that enable implementation of express toll lanes such as conduit and other underground features, must begin as soon as practicable. However, any contract term regarding tolling equipment, such as gantries, barriers, or cameras, for Interstate 405 may not take effect unless specific appropriation authority is provided in 2012 stating that funding is provided solely for tolling equipment on Interstate 405.))~~ The department shall work with local jurisdictions to minimize and monitor impacts to local streets and, after consultation with local jurisdictions, recommend mitigation measures to the legislature in those locations where it is appropriate.

(4) The department shall monitor the express toll lanes ~~((project))~~ and shall annually report to the transportation commission and the legislature on the impacts from the project on the following performance measures:

(a) Whether the express toll lanes maintain speeds of forty-five miles per hour at least ninety percent of the time during peak periods, and any alternate metric determined by the department in conjunction with the federal highway administration;

(b) Whether the average traffic speed changed in the general purpose lanes;

(c) Whether transit ridership changed;

(d) Whether the actual use of the express toll lanes is consistent with the projected use;

(e) Whether the express toll lanes generated sufficient revenue to pay for all ~~((Interstate 405))~~ express toll lane-related operating costs; and

(f) Whether travel times and volumes have increased or decreased on adjacent local streets and state highways~~((; and~~

~~((g) Whether the actual gross revenues are consistent with projected gross revenues as identified in the fiscal note for Engrossed House Bill No. 1382 distributed by the office of financial management on March 15, 2011.~~

~~((5) If after two years of operation of the express toll lanes on Interstate 405 performance measures listed in subsection (4)(a) and (e) of this section are not being met, the express toll lanes project must be terminated as soon as practicable.))~~

~~((6))~~ (5) The department, in consultation with the transportation commission, shall consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes ~~((project))~~.

~~((7))~~ (6) A violation of the lane restrictions applicable to the express toll lanes established under this section is a traffic infraction.

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Sec. 12. RCW 47.56.884 and 2011 c 369 s 5 are each amended to read as follows:

(1) ~~The Interstate 405 and state route number 167 express toll lanes ((operations)) account is created in the motor vehicle fund. ((All revenues received by the department as toll charges collected from Interstate 405 express toll lane users must be deposited into the account))~~

(2) Deposits to the account must include:

(a) All proceeds of bonds authorized in section 2(1)(a) of this act and loans for the Interstate 405 and state route number 167 projects, including capitalized interest;

(b) All tolls and other revenues received from the operation of the Interstate 405 and state route number 167 express toll lanes facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for completing the Interstate 405 and state route number 167 express toll lanes facility; and

(e) All damages liquidated or otherwise, collected under any contract involving Interstate 405 or state route number 167 projects.

~~(3) Moneys in the account may be spent only after appropriation((-)), consistent with RCW 47.56.820((- expenditures from the account may be used for debt service, planning, administration, construction, maintenance, operation, repair, rebuilding, enforcement, and the expansion of express toll lanes on Interstate 405)).~~

(4) The proceeds of the general obligation bonds authorized in section 2(1)(a) of this act shall be used to make progress toward completion of the Interstate 405 and state route number 167 master plans. It is the intent of the legislature to first use the bond proceeds for the following projects:

(a) Up to six hundred million dollars to design and construct capacity improvements on Interstate 405 between state route number 522 and state route number 527. This project would widen Interstate 405 through the state route number 522 interchange, build direct access ramps to the express toll lanes at state route number 522, build one new lane in each direction to be used as a second express toll lane, and build a partial direct access ramp at state route number 527 to the east, north, and south, to provide connections to the Canyon Park park and ride;

(b) Up to two hundred fifteen million dollars toward completion of the I-405/Renton to Bellevue - Corridor Widening project (M00900R);

(c) Up to three million dollars to update the state route number 167 master plan;

(d) Up to one hundred million dollars to construct both the northbound and southbound state route number 167 stage 6 extension project. This project would extend the express toll lanes south to the state route number 410 and state route number 512 interchange to help mitigate traffic congestion; and

(e) Up to twenty million dollars to design the Interstate 405/North 8th Street Direct Access Ramp project in the city of Renton. It is the intent of the legislature to provide construction funding for this project at a later date.

NEW SECTION. Sec. 13. (1) The Puget Sound Gateway facility is designated an eligible toll facility, tolls are authorized to be imposed on the Puget Sound Gateway facility, and toll revenue generated must be expended only as allowed under RCW 47.56.820.

(2)(a) In setting toll rates for the Puget Sound Gateway facility, pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the Puget Sound Gateway facility.

(b) The tolling authority may adjust toll rates to reflect inflation as measured by the consumer price index or as necessary for those costs that are eligible under RCW 47.56.820 and to meet the obligations of the tolling authority under RCW 47.56.850.

(c) After the bonds issued pursuant to section 2(1)(b) of this act are retired, the tolling authority must reduce the toll rates commensurate with this reduction in the amount of toll revenues required from the express toll lanes.

(3) For the purposes of this section and section 14 of this act, "Puget Sound Gateway facility" means the state route number 167 roadway between north Meridian Avenue in Puyallup and Interstate 5 in Fife, the state route number 509 spur between Interstate 5 in Fife and state route number 509 in Tacoma, and the state route number 509 roadway between south 188th Street and Interstate 5 in SeaTac.

(4) Prior to setting the schedule of toll rates on the portion of state route number 509 between South 188th Street and Interstate 5 in SeaTac, the department, in collaboration with the transportation commission, must analyze and present to the transportation commission at least one schedule of toll rates that exempts, discounts, or provides other toll relief for low-income drivers during all hours of operation on state route number 509 between South 188th Street and Interstate 5 in SeaTac. In analyzing the schedule of toll rates, the department shall consider implementing an exemption, discount, or other toll relief policy for drivers that reside in close proximity to the corridor.

NEW SECTION. Sec. 14. (1) A special account to be known as the Puget Sound Gateway facility account is created in the motor vehicle fund.

(2) Deposits to the account must include:

(a) All proceeds of bonds authorized in section 2(1)(b) of this act and loans for the Puget Sound Gateway project, including capitalized interest;

(b) All tolls and other revenues received from the operation of the Puget Sound Gateway facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for completing the Puget Sound Gateway project, including existing state route number 509 right-of-way in SeaTac and Des Moines; and

(e) All damages liquidated or otherwise, collected under any contract involving the Puget Sound Gateway project.

(3) Moneys in the account may be spent only after appropriation, consistent with RCW 47.56.820.

(4) The proceeds of the general obligation bonds authorized in section 2(1)(b) of this act shall be used to make progress toward completion of the Puget Sound Gateway facility. It is the intent of the legislature to use the bond proceeds to advance the Puget Sound Gateway facility in order to maximize net mobility benefits for both freight and the traveling public. It is the intent of the legislature for tolling to begin on stage one of the project as soon as practicable in order to leverage toll funds, use bond proceeds to advance one hundred twenty-nine million dollars of connecting Washington state appropriations by two biennia to the 2023-2025 biennium, and advance local and federal contributions. This will allow the department of transportation to deliver and open to the public stage two of the project in fiscal year 2028, three years earlier than originally planned, and to realize twenty million dollars in cost savings in connecting Washington state appropriations.

(5) It is also the intent of the legislature to use the bond proceeds for up to five million dollars to provide noise mitigation

on state route number 509 between south 188th Street and Interstate 5.

(6) It is further the intent of the legislature to clarify how the tolling of state route number 167 and state route number 509 will be implemented by requiring the transportation commission and the department of transportation to consider naming the sections of each facility where all of the lanes are tolled as the state route number 167 express way and the state route number 509 express way respectively.

Sec. 15. RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and 2018 c 203 s 14 are each reenacted and amended to read as follows:

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

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

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal

account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, ~~((the Interstate 405 express toll lanes operations account,))~~ the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, ~~((the high occupancy toll lanes operations account,))~~ the hospital safety net assessment fund, the industrial insurance premium refund account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco

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settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 47.56.403 (High occupancy toll lane pilot project) and 2017 c 313 s 712, 2015 1st sp.s. c 10 s 705, 2013 c 306 s 709, 2011 c 367 s 709, & 2005 c 312 s 3; and

(2) RCW 47.66.090 (High occupancy toll lanes operations account) and 2005 c 312 s 4.

NEW SECTION. Sec. 17. Any residual balance of funds remaining in the high occupancy toll lanes operations account repealed by section 16 of this act on the effective date of this section, and any year-end accruals accounted for after the effective date of this section from the state route number 167 high occupancy toll lanes pilot project, shall be transferred to the Interstate 405 and state route number 167 express toll lanes account created in section 12 of this act.

NEW SECTION. Sec. 18. Sections 2 through 7 of this act are each added to chapter 47.10 RCW.

NEW SECTION. Sec. 19. Sections 13 and 14 of this act are each added to chapter 47.56 RCW and codified with the subchapter heading of "toll facilities created after July 1, 2008."

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2019."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5825.

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

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5825.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5825 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5825, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5825, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Holy, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Hasegawa, Honeyford, King, O'Ban, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Excused: Senators Fortunato, Padden and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5825, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5160 with the following amendment(s): 5160-S.E AMH TARL H3150.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.381 and 2018 c 46 s 2 are each amended to read as follows:

A person is exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1)(a) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing. However, any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive an exemption on more than one residence in any year. Moreover, confinement of the person to a hospital, nursing home, assisted living facility, ~~((or))~~ adult family home, or home of a relative for the purpose of long-term care does not disqualify the claim of exemption if:

~~((a))~~ (i) The residence is temporarily unoccupied;
~~((b))~~ (ii) The residence is occupied by a spouse or a domestic partner and/or a person financially dependent on the claimant for support; or

~~((c))~~ (iii) The residence is rented for the purpose of paying nursing home, hospital, assisted living facility, or adult family home costs;

(b) For the purpose of this subsection (1), "relative" means any individual related to the claimant by blood, marriage, or adoption;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or state registered domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each cotenant, and any lease for life is deemed a life estate;

(3)(a) The person claiming the exemption must be:

(i) Sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability; or

(ii) A veteran of the armed forces of the United States entitled to and receiving compensation from the United States department of veterans affairs at ~~((a total disability rating for a service-connected disability))~~;

(A) A combined service-connected evaluation rating of eighty percent or higher; or

(B) A total disability rating for a service-connected disability without regard to evaluation percent.

(b) However, any surviving spouse or surviving domestic partner of a person who was receiving an exemption at the time of the person's death will qualify if the surviving spouse or surviving domestic partner is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person is exempt from an obligation to pay is calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse or the person's domestic partner, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income ~~((of forty thousand dollars or less))~~ equal or less than income threshold 3 is exempt from all excess property taxes, the additional state property tax imposed under RCW 84.52.065(2), and the portion of the regular property taxes authorized pursuant to RCW 84.55.050 and approved by the voters, if the legislative authority of the county or city imposing the additional regular property taxes identified this exemption in the ordinance placing the RCW 84.55.050 measure on the ballot; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income ~~((of thirty five thousand dollars or less but greater than thirty thousand dollars))~~ equal to or less than income threshold 2 but greater than income threshold 1 is exempt from all regular property taxes on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income ~~((of thirty thousand dollars or less))~~ equal to or less than income threshold 1 is exempt from all regular property taxes on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(6)(a) For a person who otherwise qualifies under this section and has a combined disposable income ~~((of forty thousand dollars or less))~~ equal or less than income threshold 3, the valuation of the residence is the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation must be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification is the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence is the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

(b) In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

(c) This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property must be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

Sec. 2. RCW 84.36.383 and 2012 c 10 s 74 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, ~~((except where the context clearly indicates a different meaning))~~ unless the context clearly requires otherwise:

(1) The term "residence" means a single-family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this larger parcel size is required under land use regulations. The term also includes a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term also includes a single-family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of

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Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence is deemed real property.

(2) The term "real property" also includes a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities. A mobile home located on land leased by the owner of the mobile home is subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" means the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse or domestic partner, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse or domestic partner during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions;

(b) The treatment or care of either person received in the home or in a nursing home, assisted living facility, or adult family home; and

(c) Health care insurance premiums for medicare under Title XVIII of the social security act.

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits, other than:

(i) Attendant-care payments;

(ii) Medical-aid payments;

(iii) Disability compensation, as defined in Title 38, part 3, section 3.4 of the code of federal regulations, as of January 1, 2008; and

(iv) Dependency and indemnity compensation, as defined in Title 38, part 3, section 3.5 of the code of federal regulations, as of January 1, 2008;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

(7) "Disability" has the same meaning as provided in 42 U.S.C. Sec. 423(d)(1)(A) as amended prior to January 1, 2005, or such subsequent date as the department may provide by rule consistent with the purpose of this section.

(8) "County median household income" means the median household income estimates for the state of Washington by county of the legal address of the principal place of residence, as published by the office of financial management.

(9) "Income threshold 1" means:

(a) For taxes levied for collection in calendar years prior to 2020, a combined disposable income equal to thirty thousand dollars; and

(b) For taxes levied for collection in calendar year 2020 and thereafter, a combined disposable income equal to the greater of "income threshold 1" for the previous year or forty-five percent of the county median household income, adjusted every five years beginning August 1, 2019, as provided in RCW 84.36.385(8).

(10) "Income threshold 2" means:

(a) For taxes levied for collection in calendar years prior to 2020, a combined disposable income equal to thirty-five thousand dollars; and

(b) For taxes levied for collection in calendar year 2020 and thereafter, a combined disposable income equal to the greater of "income threshold 2" for the previous year or fifty-five percent of the county median household income, adjusted every five years beginning August 1, 2019, as provided in RCW 84.36.385(8).

(11) "Income threshold 3" means:

(a) For taxes levied for collection in calendar years prior to 2020, a combined disposable income equal to forty thousand dollars; and

(b) For taxes levied for collection in calendar year 2020 and thereafter, a combined disposable income equal to the greater of "income threshold 3" for the previous year or sixty-five percent of the county median household income, adjusted every five years beginning August 1, 2019, as provided in RCW 84.36.385(8).

(12) "Principal place of residence" means a residence occupied for more than nine months each calendar year by a person claiming an exemption under RCW 84.36.381.

Sec. 3. RCW 84.36.385 and 2011 c 174 s 106 are each amended to read as follows:

(1) A claim for exemption under RCW 84.36.381 as now or hereafter amended, may be made and filed at any time during the year for exemption from taxes payable the following year and thereafter and solely upon forms as prescribed and furnished by the department of revenue. However, an exemption from tax under RCW 84.36.381 continues for no more than six years unless a renewal application is filed as provided in subsection (3) of this section.

(2) A person granted an exemption under RCW 84.36.381 must inform the county assessor of any change in status affecting the person's entitlement to the exemption on forms prescribed and furnished by the department of revenue.

(3) Each person exempt from taxes under RCW 84.36.381 in 1993 and thereafter(=) must file with the county assessor a renewal application not later than December 31 of the year the assessor notifies such person of the requirement to file the renewal application. Renewal applications must be on forms prescribed and furnished by the department of revenue.

(4) At least once every six years, the county assessor must notify those persons receiving an exemption from taxes under RCW 84.36.381 of the requirement to file a renewal application. The county assessor may also require a renewal application following an amendment of the income requirements set forth in RCW 84.36.381.

(5) If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim or exemption must be denied but such denial is subject to appeal under the provisions of RCW 84.48.010 and in accordance with the provisions of RCW 84.40.038. If the applicant had received exemption in prior years based on erroneous information, the taxes must be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed five years.

(6) The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389, through communications media, including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications, the penalties for not reporting a change in status, and availability of further information must be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties.

(7) The department must authorize an option for electronic filing of applications and renewal applications for the exemption under RCW 84.36.381.

(8) Beginning August 1, 2019, and by March 1st every fifth year thereafter, the department must publish updated income thresholds. The adjusted thresholds must be rounded to the nearest one dollar. If the income threshold adjustment is negative, the income threshold for the prior year continues to apply. The department must adjust income thresholds for each county to reflect the most recent year available of estimated county median household incomes, including preliminary estimates or projections, as published by the office of financial management. For the purposes of this subsection, "county median household income" has the same meaning as provided in RCW 84.36.383.

(9) Beginning with the adjustment made by March 1, 2024, as provided in subsection (8) of this section, and every second adjustment thereafter, if an income threshold in a county is not adjusted based on percentage of county median income, then the income threshold must be adjusted based on the growth of the consumer price index for all urban consumers (CPI-U) for the prior twelve month period as published by the United States bureau of labor statistics. In no case may the adjustment be greater than one percent. The adjusted thresholds must be rounded to the nearest one dollar. If the income threshold adjustment is negative, the income threshold for the prior year continues to apply.

Sec. 4. RCW 84.38.020 and 2006 c 62 s 2 are each amended to read as follows:

~~((Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Claimant" means a person who either elects or is required under RCW 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on the claimant's residence by filing a declaration to defer as provided by this chapter.

(b) When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant ~~((shall be))~~ is.

(2) ~~(("Department" means the state department of revenue.))~~ "Devisee" has the same meaning as provided in RCW 21.35.005.

(3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(4) "Heir" has the same meaning as provided in RCW 21.35.005.

(5) "Income threshold" means: (a) For taxes levied for collection in calendar years prior to 2020, a combined disposable income equal to forty-five thousand dollars; and (b) for taxes levied for collection in calendar year 2020 and thereafter, a combined disposable income equal to the greater of the income threshold for the previous year, or seventy-five percent of the county median household income, adjusted every five years beginning August 1, 2019, as provided in RCW 84.36.385(8).

Beginning with the adjustment made by March 1, 2024, as provided in RCW 84.36.385(8), and every second adjustment thereafter, if the income threshold in a county is not adjusted based on percentage of county median income as provided in this subsection, then the income threshold must be adjusted based on the growth of the consumer price index for all urban consumers (CPI-U) for the prior twelve-month period as published by the United States bureau of labor statistics. In no case may the adjustment be greater than one percent. The adjusted threshold must be rounded to the nearest one dollar. If the income threshold adjustment is negative, the income threshold for the prior year continues to apply.

(6) "Local government" means any city, town, county, water-sewer district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi-municipal corporation, or other political subdivision authorized to levy special assessments.

~~((5))~~ (7) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.

~~((6))~~ (8) "Residence" has the meaning given in RCW 84.36.383.

~~((7))~~ (9) "Special assessment" means the charge or obligation imposed by a local government upon property specially benefited.

Sec. 5. RCW 84.38.030 and 2015 3rd sp.s. c 30 s 3 and 2015 c 86 s 313 are each reenacted and amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on up to eighty percent of the amount of the claimant's equity value in the claimant's residence if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the age and income limits under RCW 84.36.381.

(2) The claimant must be sixty years of age or older on December 31st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability as defined in RCW 84.36.383. However, any surviving spouse ~~((or))~~, surviving domestic partner, heir, or devisee of a person who was receiving a deferral at the time of the person's death qualifies if the surviving spouse ~~((or))~~, surviving domestic partner, heir, or devisee is fifty-seven years of age or older and otherwise meets the requirements of this section.

(3) The claimant must have a combined disposable income, as defined in RCW 84.36.383, ~~((of forty-five thousand dollars or less))~~ equal to or less than the income threshold.

(4) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community, owned by domestic partners, or owned by cotenants is deemed to be owned by each spouse, each domestic partner, or each cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value. However, if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred may not exceed one hundred percent of the claimant's equity value in the land or lot only.

(6) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.

Sec. 6. RCW 84.38.070 and 2008 c 6 s 703 are each amended to read as follows:

If the claimant declaring his or her intention to defer special assessments or real property tax obligations under this chapter ceases to reside permanently on the property for which the declaration to defer is made between the date of filing the declaration and December 15th of that year, the deferral otherwise allowable under this chapter ~~((shall))~~ is not ((be)) allowed on such tax roll. However, this section ~~((shall))~~ does not apply where the claimant dies, leaving a spouse ~~((or))~~, domestic partner, heir, or devisee surviving, who is also eligible for deferral of special assessment and/or property taxes.

Sec. 7. RCW 84.38.130 and 2008 c 6 s 704 are each amended to read as follows:

Special assessments and/or real property tax obligations deferred under this chapter ~~((shall))~~ become payable together with interest as provided in RCW 84.38.100:

(1) Upon the sale of property which has a deferred special assessment and/or real property tax lien upon it.

(2) Upon the death of the claimant with an outstanding deferred special assessment and/or real property tax lien except a surviving spouse ~~((or))~~, surviving domestic partner, heir, or devisee who is qualified under this chapter may elect to incur the special assessment and/or real property tax lien, which ~~((shall))~~ is then ((be)) payable by that spouse ~~((or that))~~, domestic partner, heir, or devisee as provided in this section.

(3) Upon the condemnation of property with a deferred special assessment and/or real property tax lien upon it by a public or private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070.

(4) At such time as the claimant ceases to reside permanently in the residence upon which the deferral has been granted.

(5) Upon the failure of any condition set forth in RCW 84.38.030.

Sec. 8. RCW 84.38.150 and 2008 c 6 s 705 are each amended to read as follows:

(1) A surviving spouse ~~((or))~~, surviving domestic partner, heir, or devisee of the claimant may elect to continue the property in its deferred tax status if the property is the residence of the spouse ~~((or))~~, domestic partner, heir, or devisee of the claimant and the spouse ~~((or))~~, domestic partner, heir, or devisee meets the requirements of this chapter.

(2) The election under this section to continue the property in its deferred status by the spouse ~~((or))~~, the domestic partner, heir, or devisee of the claimant ~~((shall))~~ must be filed in the same manner as an original claim for deferral is filed under this chapter ~~((, not later than ninety days from the date of the claimant's death))~~. Thereupon, the property with respect to which the deferral of special assessments and/or real property taxes is claimed ~~((shall))~~ must continue to be treated as deferred property. When the property has been continued in its deferred status by the filing of the spouse ~~((or))~~, the domestic partner, heir, or devisee of the claimant of an election under this section, the spouse ~~((or))~~, the domestic partner, heir, or devisee of the claimant may continue the property in its deferred status in subsequent years by filing a claim under this chapter so long as the spouse ~~((or the))~~, domestic partner, heir, or devisee meets the qualifications set out in this section.

NEW SECTION. Sec. 9. This act applies for taxes levied for collection in 2020 and thereafter.

NEW SECTION. Sec. 10. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5160.

Senator Dhingra spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5160.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5160 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5160, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5160, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Bailey, Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Wagoner, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Holy, Honeyford, King, Schoesler, Short, Van De Wege and Warnick

Excused: Senators Fortunato, Padden and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5160, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5362 with the following amendment(s): 5362-S AMH PELL H3219.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that counties that border other states and Canada experience a significant problem of residents of Washington state who evade taxes and fees by failing to register their vehicles, aircraft, and vessels in Washington state. According to a 2007 Washington State University study, the department of revenue lost eighty million dollars over the previous five years to persons avoiding taxes and fees in this manner. It was also estimated in the study that twenty thousand vehicles were illegally registered in Oregon to residents of Clark county, Washington. The problem has undoubtedly grown worse in the decade since the study was completed resulting in hundreds of millions of dollars in lost revenue to state and local coffers as these new residents fail to

pay their fair share for public services. Moreover, a public safety risk is created when inaccurate information is provided to law enforcement or insurance companies in the event of an accident or infraction.

(2) Current statutes contain monetarily significant penalties that are appropriate given the scope of the harm. It is the intent of the legislature that law enforcement and prosecutors proceed against violators to the fullest extent of the law. In order to give them more tools and ensure compliance with the law, it is the intent of the legislature to set up a deferral program consistent with other programs in the state that allows defendants to obtain dismissal of charges if they take certain remedial steps. It is the intent of the legislature that the punishment for those who do not comply with the deferral program remain subject to current penalties.

NEW SECTION. Sec. 2. (1) Any county may set up a deferral program for persons who receive a citation for failing to register a vehicle, aircraft, or vessel under RCW 46.16A.030, 47.68.255, or 88.02.400. Under the deferral program:

(a) If the person has received a criminal citation for failure to register a vehicle under RCW 46.16A.030, an aircraft under RCW 47.68.255, or a vessel under RCW 88.02.400, the defendant may petition the court for a deferred prosecution conditioned upon the defendant completing the criteria in (b) of this subsection within ninety days of the court granting the deferral.

(b) To be eligible for a deferred prosecution under (a) of this subsection, the court shall dismiss the charge if the court receives satisfactory proof within ninety days that the person:

- (i) Has paid a five hundred dollar fine;
- (ii) Has a valid Washington state driver's license; and
- (iii) Has registered the vehicle, aircraft, or vessel that was the subject of the citation.

(c) Before entering an order deferring prosecution, the court shall make specific findings that: (i) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (ii) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (iii) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (iv) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

(d) If the defendant successfully completes the conditions required under the deferred prosecution, the court shall dismiss the charges pending against the defendant.

(e) If the court finds that the defendant has not successfully completed the conditions required under the deferred prosecution, the court shall remove the defendant from deferred prosecution and enter a judgment.

(2) The deferral program described in this section does not apply to persons who have received a previous conviction or deferral for failing to register a vehicle under RCW 46.16A.030, an aircraft under RCW 47.68.255, or a vessel under RCW 88.02.400.

(3) Fines generated pursuant to the deferral program established in subsection (1) of this section shall be used by the county for the purpose of enforcement and prosecution of registration requirements under RCW 46.16A.030, 47.68.250, or 88.02.550.

Sec. 3. RCW 46.16A.030 and 2011 c 171 s 43 and 2011 c 96 s 31 are each reenacted and amended to read as follows:

(1) Vehicles must be registered as required by this chapter and must display license plates or decals assigned by the department.

(2) It is unlawful for a person to operate any vehicle on a public highway of this state without having in full force and effect a current and proper vehicle registration and displaying license plates on the vehicle.

(3) Vehicle license plates or registration certificates, whether original issues or duplicates, may not be issued or furnished by the department until the applicant makes satisfactory application for a certificate of title or presents satisfactory evidence that a certificate of title covering the vehicle has been previously issued.

(4) Failure to make initial registration before operating a vehicle on the public highways of this state is a traffic infraction. A person committing this infraction must pay a fine of five hundred twenty-nine dollars, which may not be suspended(~~(deferred)~~) or reduced. This fine is in addition to any delinquent taxes and fees that must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion. The five hundred twenty-nine dollar fine must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250.

(5) Failure to renew an expired registration before operating a vehicle on the public highways of this state is a traffic infraction.

(6) It is a gross misdemeanor for a resident, as identified in RCW 46.16A.140, to register a vehicle in another state, evading the payment of any tax or vehicle license fee imposed in connection with registration. It is punishable, in lieu of the fine in subsection (4) of this section, as follows:

- (a) For a first offense:
 - (i) Up to three hundred sixty-four days in the county jail;
 - (ii) Payment of a fine of five hundred twenty-nine dollars plus any applicable assessments, which may not be suspended(~~(deferred)~~) or reduced. The fine of five hundred twenty-nine dollars must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250;
 - (iii) A fine of one thousand dollars to be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250, which may not be suspended(~~(deferred)~~) or reduced; and
 - (iv) The delinquent taxes and fees, which must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion, and which may not be suspended(~~(deferred)~~) or reduced;

- (b) For a second or subsequent offense:
 - (i) Up to three hundred sixty-four days in the county jail;
 - (ii) Payment of a fine of five hundred twenty-nine dollars plus any applicable assessments, which may not be suspended, deferred, or reduced, except as provided in section 2 of this act. The fine of five hundred twenty-nine dollars must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250;
 - (iii) A fine of five thousand dollars to be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250, which may not be suspended(~~(deferred)~~) or reduced; and
 - (iv) The amount of delinquent taxes and fees, which must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion, and which may not be suspended(~~(deferred)~~) or reduced.

(7) A vehicle with an expired registration of more than forty-five days parked on a public street may be impounded by a police officer under RCW 46.55.113(2).

Sec. 4. RCW 47.68.255 and 2010 c 161 s 1147 are each amended to read as follows:

(1) A vehicle with an expired registration of more than forty-five days parked on a public street may be impounded by a police officer under RCW 46.55.113(2).

Sec. 4. RCW 47.68.255 and 2010 c 161 s 1147 are each amended to read as follows:

A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country evading the Washington aircraft excise tax is guilty of a gross misdemeanor. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended or deferred, except as provided in section 2 of this act. Excise taxes owed and fines assessed (~~with~~) must be deposited in the manner provided under RCW 46.16A.030(6).

Sec. 5. RCW 88.02.400 and 2010 c 161 s 1007 are each amended to read as follows:

(1) It is a gross misdemeanor punishable as provided under chapter 9A.20 RCW for any person owning a vessel subject to taxation under chapter 82.49 RCW to:

(a) Register a vessel in another state to avoid Washington state vessel excise tax required under chapter 82.49 RCW; or

(b) Obtain a vessel dealer's license for the purpose of evading excise tax on vessels under chapter 82.49 RCW.

(2) For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, which may not be suspended or deferred, except as provided in section 2 of this act.

(3) Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6).

NEW SECTION. **Sec. 6.** Section 2 of this act constitutes a new chapter in Title 10 RCW."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wilson, L. moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5362.

Senator Wilson, L. spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Wilson, L. that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5362.

The motion by Senator Wilson, L. carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5362 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5362, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5362, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darnelle, Das, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator Dhingra

Excused: Senator Sheldon

SUBSTITUTE SENATE BILL NO. 5362, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Wilson, C., Senator Dhingra was excused.

MESSAGE FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5183 with the following amendment(s): 5183-S.E AMH GREG H3099.1

On page 24, after line 33, insert the following:

"**Sec. 17.** RCW 59.20.060 and 2019 c ... (ESHB 1582) s 3 are each amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) The name and address of any party who has a secured interest in the mobile home, manufactured home, or park model;

(f) A forwarding address of the tenant or the name and address of a person who would likely know the whereabouts of the tenant in the event of an emergency or an abandonment of the mobile home, manufactured home, or park model;

(g)(i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that: "The park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required closure notice as provided in RCW 59.20.080." The covenant or statement required by this subsection must: (A) Appear in print that is in bold face and is larger than the other text of the rental agreement; (B) be set off by means of a box, blank space, or comparable visual device; and (C) be located directly above the tenant's signature on the rental agreement;

(h) A copy of a closure notice, as required in RCW 59.20.080, if such notice is in effect;

(i) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

(j) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged together with a statement that, in the event any utilities are changed to be charged independent of the rent during the term of the rental agreement, the landlord agrees to decrease the amount of the rent charged proportionately;

(k) A written description, picture, plan, or map of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of the tenant's space in relation to other tenants' spaces;

(l) A written description, picture, plan, or map of the location of the tenant's responsibility for utility hook-ups, consistent with RCW 59.20.130(6);

(m) A statement of the current zoning of the land on which the mobile home park is located;

(n) A statement of the expiration date of any conditional use, temporary use, or other land use permit subject to a fixed expiration date that is necessary for the continued use of the land as a mobile home park; and

(o) A written statement containing accurate historical information regarding the past five years' rental amount charged for the lot or space.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of the vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than two years, or (ii) more frequently than annually if the initial term is for two years or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding two years may provide for annual increases in rent in specified amounts or by a formula specified in such agreement. Any rent increase authorized under this subsection (2)(c) that occurs within the closure notice period pursuant to RCW 59.20.080(1)(e) may not be more than one percentage point above the United States consumer price index for all urban consumers, housing component, published by the United States bureau of labor statistics in the periodical "Monthly Labor Review and Handbook of Labor Statistics" as established annually by the department of commerce;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee." However, an entrance fee may be charged as part of a continuing care contract as defined in RCW 70.38.025;

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for

guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

(3) Any provision prohibited under this section that is included in a rental agreement is unenforceable.

Sec. 18. RCW 59.20.--- and 2019 c ... (ESHB 1582) s 9 are each amended to read as follows:

(1) A court may order an unlawful detainer action to be of limited dissemination for one or more persons if: (a) The court finds that the plaintiff's case was sufficiently without basis in fact or law; (b) the tenancy was reinstated by the court; or (c) other good cause exists for limiting dissemination of the unlawful detainer action ~~((in accordance with court rule GR-15))~~.

(2) An order to limit dissemination of an unlawful detainer action must be in writing.

(3) When an order for limited dissemination of an unlawful detainer action has been entered with respect to a person, a tenant screening service provider must not: (a) Disclose the existence of that unlawful detainer action in a tenant screening report pertaining to the person for whom dissemination has been limited, or (b) use the unlawful detainer action as a factor in determining any score or recommendation to be included in a tenant screening report pertaining to the person for whom dissemination has been limited.

NEW SECTION. **Sec. 19.** Sections 17 and 18 of this act take effect only if chapter ... (Engrossed Substitute House Bill No. 1582), Laws of 2019 is enacted by August 1, 2019."

Renummer the remaining sections consecutively, correct any internal references accordingly, and correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5183.

Senators Kuderer and Zeiger spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5183.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5183 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5183, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5183, as amended by the House, and

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the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Billig, Carlyle, Cleveland, Conway, Darneille, Das, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Braun, Brown, Ericksen, Holy, Honeyford, King, Padden, Schoesler, Short and Wilson, L.

Excused: Senators Dhingra and Sheldon

ENGROSSED SUBSTITUTE SENATE BILL NO. 5183, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5091 with the following amendment(s): 5091-S2.E AMH ENGR H2874.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to provide the funding necessary to support a comprehensive and responsive education system that fully addresses the needs of students with disabilities eligible for special education. Under the current funding model, students with disabilities eligible for special education are funded as basic education students first, with additional funding provided through a statewide multiplier intended to meet the additional needs of each student as established in the student's individualized education program. Additionally, a safety net administered by the office of the superintendent of public instruction is available for school districts that demonstrate significant extra need beyond what they receive from the base funding formula.

The legislature notes that school districts across the state have identified the need for additional resources to create the educational environment necessary to give every student with an individualized education program the opportunity to succeed. It is the legislature's intent to provide immediate relief to school district special education programs by enhancing the supplemental funding school districts receive for every student in the program of special education and to provide easier access to the safety net when those base funds are not adequate.

Sec. 2. RCW 28A.150.392 and 2018 c 266 s 106 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for

special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education~~((eligible students))~~ and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education ~~((students))~~. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education ~~((students))~~ served in residential schools as defined in RCW 28A.190.020, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a secondary program of education ~~((for students enrolled in special education))~~.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school

districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) Beginning in the 2019-20 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed two and three-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015.

Sec. 3. RCW 28A.150.415 and 2017 3rd sp.s. c 13 s 105 are each amended to read as follows:

(1) Beginning with the 2018-19 school year, the legislature shall begin phasing in funding for professional learning days for certificated instructional staff. At a minimum, the state must allocate funding for:

(a) One professional learning day in the 2018-19 school year;

(b) Two professional learning days in the 2019-20 school year; and

(c) Three professional learning days in the 2020-21 school year.

(2) The office of the superintendent of public instruction shall calculate each school district's professional learning allocation as provided in subsection (1) of this section separate from the minimum state allocation for salaries as specified in RCW 28A.150.410 and associated fringe benefits on the apportionment reports provided to each school district. The professional learning allocation shall be equal to the proportional increase resulting from adding the professional learning days provided in subsection (1) of this section to the required minimum number of school days in RCW 28A.150.220(5)(a) applied to the school district's minimum state allocation for salaries and associated fringe benefits for certificated instructional staff as specified in the omnibus operating appropriations act. Professional learning allocations shall be included in per-pupil calculations, such as special education, for programs funded on a per-pupil basis.

(3) Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

~~((3))~~ (4) The professional learning days must meet the definitions and standards provided in RCW 28A.415.430, 28A.415.432, and 28A.415.434.

Sec. 4. RCW 28A.150.390 and 2018 c 266 s 102 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from

appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and ~~((enrolled in))~~ receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; ~~((and))~~

~~(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a district's annual average ((full-time equivalent basic education)) enrollment((, multiplied by the district's funded enrollment percent)) of resident students who are eligible for and receiving special education, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by ((0.9609)) the special education cost multiplier rate of:~~

(A) In the 2019-20 school year, 0.995 for students eligible for and receiving special education.

(B) Beginning in the 2020-21 school year, either:

(I) 1.0075 for students eligible for and receiving special education and reported to be in the general education setting for eighty percent or more of the school day; or

(II) 0.995 for students eligible for and receiving special education and reported to be in the general education setting for less than eighty percent of the school day.

(ii) If the enrollment percent exceeds thirteen and five-tenths percent, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by thirteen and five-tenths percent divided by the enrollment percent.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident ~~((special education))~~ annual average enrollment of students who are eligible for and receiving special education, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional education programs, as a percent of the district's annual average full-time equivalent basic education enrollment.

~~((d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or thirteen and five-tenths percent.))~~

Sec. 5. RCW 43.09.2856 and 2018 c 266 s 406 are each amended to read as follows:

(1) Beginning with the 2019-20 school year, to ensure that school district local revenues are used solely for purposes of enriching the state's statutory program of basic education, the state auditor's regular financial audits of school districts must include a review of the expenditure of school district local revenues for compliance with RCW 28A.150.276, including the spending plan approved by the superintendent of public

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instruction under RCW 28A.505.240 and its implementation, and any supplemental contracts entered into under RCW 28A.400.200.

(2) If an audit under subsection (1) of this section results in findings that a school district has did not carry to comply with these requirements, then within ninety days of completing the audit the auditor must report the findings to the superintendent of public instruction, the office of financial management, and the education and operating budget committees of the legislature.

(3) The use of the state allocation provided for professional learning under RCW 28A.150.415 must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of RCW 28A.150.415.

(4)(a) The state auditor must conduct a financial or accountability audit of each school district by June 1, 2020, for the 2018-19 school year to include a review of the following:

(i) Special education revenues and the sources of those revenues, by school district; and

(ii) Special education expenditures and the object of those expenditures, by school district.

(b) Special education data reported for each school district through the audits under this subsection must be compiled and submitted to the education committees of the legislature by December 1, 2020.

NEW SECTION. **Sec. 6.** Section 5 of this act expires December 1, 2021."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5091.

Senators Wellman and Wagoner spoke in favor of the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5091.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5091 by voice vote.

MOTION

On motion of Senator Bailey, Senator Rivers was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5091, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5091, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet,

Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Rivers and Sheldon

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5091, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2168, by House Committee on Finance (originally sponsored by Tarleton)

Concerning tax preferences.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Becker and without objection, amendment no. 833 by Senator Becker on page 2, line 29 to Substitute House Bill No. 2168 was withdrawn.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute House Bill No. 2168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias, Becker and Braun spoke in favor of passage of the bill.

Senator Hasegawa spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2168.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2168 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

Excused: Senator Sheldon

SUBSTITUTE HOUSE BILL NO. 2168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:37 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

 AFTERNOON SESSION

The Senate was called to order at 1:03 p.m. by the President Pro Tempore, Senator Hasegawa presiding.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2159, by House Committee on Appropriations (originally sponsored by Ormsby)

Making expenditures from the budget stabilization account for declared catastrophic events.

The measure was read the second time.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 2159 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 2159.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2159 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Padden and Schoesler

SUBSTITUTE HOUSE BILL NO. 2159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140, by House Committee on Appropriations (originally sponsored by Sullivan, Dolan and Thai)

Concerning K-12 education funding.

The measure was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.065 and 2018 c 295 s 1 are each amended to read as follows:

STATE PROPERTY TAX DEPOSIT.

(1) Except as otherwise provided in this section, subject to the limitations in RCW 84.55.010, in each year the state must levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2)(a) In addition to the tax authorized under subsection (1) of this section, the state must levy an additional property tax for the support of common schools of the state.

(i) For taxes levied for collection in calendar years 2018 through 2021, the rate of tax is the rate necessary to bring the aggregate rate for state property tax levies levied under this subsection and subsection (1) of this section to a combined rate of two dollars and forty cents per thousand dollars of assessed value in calendar year 2019 and two dollars and seventy cents per thousand dollars of assessed value in calendar years 2018, 2020, and 2021. The state property tax levy rates provided in this subsection (2)(a)(i) are based upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(ii) For taxes levied for collection in calendar year 2022 and thereafter, the tax authorized under this subsection (2) is subject to the limitations of chapter 84.55 RCW.

(b)(i) Except as otherwise provided in this subsection, all taxes collected under this subsection (2) must be deposited into the state general fund.

(ii) For fiscal year 2019, (~~nine hundred thirty five million dollars of~~) taxes collected under this subsection (2) must be deposited into the education legacy trust account for the support of common schools.

(3) For taxes levied for collection in calendar years 2019 through 2021, the state property taxes levied under subsections (1) and (2) of this section are not subject to the limitations in chapter 84.55 RCW.

(4) For taxes levied for collection in calendar year 2022 and thereafter, the aggregate rate limit for state property taxes levied under subsections (1) and (2) of this section is three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(5) For property taxes levied for collection in calendar years 2019 through 2021, the rate of tax levied under subsection (1) of this section is the actual rate that was levied for collection in calendar year 2018 under subsection (1) of this section.

(6) As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

Sec. 2. RCW 28A.300.780 and 2018 c 266 s 401 are each amended to read as follows:

HOLD HARMLESS.

(1) For the 2018-19 and 2019-20 school years, the office of the superintendent of public instruction shall allocate a hold-harmless payment to school districts if the sum of (b) of this subsection is greater than the sum of (a) of this subsection for either of the

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respective school years or if a school district meets the criteria under subsection (2) of this section.

(a) The current school year is calculated as the sum of (a)(i) through (iii) of this subsection using the enrollments and values in effect for that school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) The lesser of the school district's voter-approved enrichment levy collection or the maximum levy authority provided under RCW 84.52.0531 for ~~((the previous calendar))~~ that school year.

(b) The baseline school year is calculated as the sum of (b)(i) through (iii) of this subsection using the current school year enrollments and the values in effect during the 2017-18 school year for the school district's:

(i) Formula-driven state allocations in part V of the state omnibus appropriations act for these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs;

(ii) Local effort assistance funding received under chapter 28A.500 RCW; and

(iii) Maintenance and operation levy collection under RCW 84.52.0531 in the 2017 calendar year.

(2) From amounts appropriated in chapter 266, Laws of 2018, the superintendent of public instruction must prioritize hold harmless payments to districts that meet both the following criteria:

(a) The sum of the school district's enrichment levy under RCW 84.52.0531 and 2017 3rd sp.s. c 13 s 203 and local effort assistance under RCW 28A.500.015 is less than half of the sum of the maintenance and operations levy and local effort assistance provided under law as it existed on January 1, 2017. For purposes of the calculation in this subsection, the maintenance and operations levy is limited to the lesser of the voter-approved levy as of January 1, 2017, or the maximum levy under law as of January 1, 2017; and

(b) The adjusted assessed value of property within the school district as calculated by the department of revenue is greater than twenty billion dollars in calendar year 2017.

(3) Districts eligible for hold-harmless payments under subsection (1) of this section shall receive the difference between subsection (1)(b) and (a) of this section through the apportionment payment process in RCW 28A.510.250.

(4) The voters of the school district must approve an enrichment levy under RCW 84.52.0531 to be eligible for a hold-harmless payment under this section.

(5) This section expires December 31, 2020.

Sec. 3. RCW 28A.320.330 and 2018 c 266 s 302 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that

must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide any supplemental expenditure schedules required by the superintendent of public instruction or state auditor for purposes of RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(h) During the 2019-2021 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 4. RCW 41.05.011 and 2018 c 260 s 4 are each amended to read as follows:

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

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

(2) "Board" means the public employees' benefits board established under RCW 41.05.055 and the school employees' benefits board established under RCW 41.05.740.

(3) "Dependent care assistance program" means a benefit plan whereby employees and school employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6)(a) "Employee" for the public employees' benefits board program includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (i) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state submits application materials to the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (ii) employees of employee organizations representing state civil service employees, at the option of each such employee organization; (iii) through December 31, 2019, employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; (iv) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); (v) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n); and (vi) through December 31, 2019, employees of a charter school established under chapter 28A.710 RCW. "Employee" does not include: Adult family home providers; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(b) Effective January 1, 2020, "school employee" for the school employees' benefits board program includes:

(i) All employees of school districts((~~educational service districts~~)) and charter schools established under chapter 28A.710 RCW;

(ii) Represented employees of educational service districts; and
(iii) Effective January 1, 2024, all employees of educational service districts.

(7) "Employee group" means employees of a similar employment type, such as administrative, represented classified, nonrepresented classified excluding such employees in educational service districts until December 31, 2023, confidential, represented certificated, or nonrepresented certificated excluding such employees in educational service districts until December 31, 2023, within a school employees' benefits board organization.

(8)(a) "Employer" for the public employees' benefits board program means the state of Washington.

(b) "Employer" for the school employees' benefits board program means school districts and educational service districts and charter schools established under chapter 28A.710 RCW.

(9) "Employer group" means those counties, municipalities, political subdivisions, the Washington health benefit exchange, tribal governments, employee organizations representing state civil service employees, and through December 31, 2019, school districts, ~~((educational service districts, and))~~ charter schools, and through December 31, 2023, educational service districts obtaining employee benefits through a contractual agreement with the authority to participate in benefit plans developed by the public employees' benefits board.

(10)(a) "Employing agency" for the public employees' benefits board program means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, or other political subdivision; and a tribal government covered by this chapter.

(b) "Employing agency" for the school employees' benefits board program means school districts, educational service districts, and charter schools.

(11) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(12) "Flexible benefit plan" means a benefit plan that allows employees and school employees to choose the level of health care coverage provided and the amount of employee or school employee contributions from among a range of choices offered by the authority.

(13) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(14) "Medical flexible spending arrangement" means a benefit plan whereby state and school employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(15) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(16) "Plan year" means the time period established by the authority.

(17) "Premium payment plan" means a benefit plan whereby public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(18) "Public employee" has the same meaning as employee and school employee.

(19) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district, educational service district, or charter school on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district, educational service district, or charter school due to a total and permanent disability, and are eligible to receive a

deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(20) "Salary" means a state or school employee's monthly salary or wages.

(21) "Salary reduction plan" means a benefit plan whereby public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(22) "School employees' benefits board organization" means a public school district or educational service district or charter school established under chapter 28A.710 RCW that is required to participate in benefit plans provided by the school employees' benefits board.

(23) "School year" means school year as defined in RCW 28A.150.203(11).

(24) "Seasonal employee" means a state employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

(25) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(26) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(27) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

Sec. 5. RCW 41.05.050 and 2018 c 260 s 10 are each amended to read as follows:

(1) Every: (a) Department, division, or separate agency of state government; (b) county, municipal, school district, educational service district, or other political subdivisions; and (c) tribal governments as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, other political subdivision, or a tribal government for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups, except as provided in subsection (4) of this section.

(2) To account for increased cost of benefits for the state and for state employees, the authority may develop a rate surcharge applicable to participating counties, municipalities, other political subdivisions, and tribal governments.

(3) The contributions of any: (a) Department, division, or separate agency of the state government; (b) county, municipal, or other political subdivisions; (c) any tribal government as are

covered by this chapter; and (d) school districts, educational service districts, and charter schools, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(4)(a) Until January 1, 2020, the authority shall collect from each participating school district and educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and family size as would be charged to employees, for groups of school district and educational service district employees enrolled in authority plans. The authority may collect these amounts in accordance with the school district or educational service district fiscal year, as described in RCW 28A.505.030.

(b)(i) For all groups of school district or educational service district employees enrolling in authority plans for the first time after September 1, 2003, and until January 1, 2020, the authority shall collect from each participating school district or educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and by family size as would be charged to employees, only if the authority determines that this method of billing the school districts and educational service districts will not result in a material difference between revenues from school districts and educational service districts and expenditures made by the authority on behalf of school districts and educational service districts and their employees. The authority may collect these amounts in accordance with the school district or educational service district fiscal year, as described in RCW 28A.505.030.

(ii) For all groups of educational service district employees' enrolling in plans developed by the public employees' benefits board after January 1, 2020, and until January 1, 2024, the authority shall collect from each participating educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and by family size as would be charged to employees, only if the authority determines that this method of billing the educational service districts will not result in a material difference between revenues from educational service districts and expenditures made by the authority on behalf of educational service districts and their employees. The authority may collect these amounts in accordance with the educational service district fiscal year, as described in RCW 28A.505.030.

(c) Until January 1, 2020, if the authority determines at any time that the conditions in (b) of this subsection cannot be met, the authority shall offer enrollment to additional groups of school and educational service district employees on a tiered rate structure until such time as the authority determines there would be no material difference between revenues and expenditures under a composite rate structure for all school and educational service district employees enrolled in authority plans.

(d)(i) Beginning January 1, 2020, all school districts, represented employees of educational service districts, and charter schools shall commence participation in the school employees' benefits board program established under RCW 41.05.740. All school districts, represented employees of educational service districts, charter schools, and all school district employee groups participating in the public employees' benefits board plans before January 1, 2020, shall thereafter participate in the school employees' benefits board program administered by the authority. All school districts, represented employees of educational service districts, and charter schools shall provide contributions to the authority for insurance and health care plans for school employees and their dependents. These contributions must be provided to the authority for all

eligible school employees eligible for benefits under RCW 41.05.740(6)(d), including school employees who have waived their coverage; contributions to the authority are not required for individuals eligible for benefits under RCW 41.05.740(6)(e) who waive their coverage.

(ii) Beginning January 1, 2024, all educational service districts shall participate in the school employees' benefits board program.

(e) For the purposes of this subsection, "tiered rates" means the amounts the authority must pay to insuring entities by plan and by family size.

(f) Notwithstanding this subsection and RCW 41.05.065(4), the authority may allow school districts and educational service districts enrolled on a tiered rate structure prior to September 1, 2002, and until January 1, 2020, to continue participation based on the same rate structure and under the same conditions and eligibility criteria.

(5) The authority shall transmit a recommendation for the amount of the employer contributions to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 6. RCW 28A.400.350 and 2018 c 260 s 23 are each amended to read as follows:

(1) The board of directors of any of the state's school districts or educational service districts may make available medical, dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2)(a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter 41.05 RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or

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purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5)(a) Until the creation of the school employees' benefits board under RCW 41.05.740, school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in RCW 41.05.655;

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019, except for nonrepresented employees of educational service districts for which the authority expires December 31, 2023, Beginning January 1, 2020, school districts, for all school employees, and educational service districts, for represented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board. Beginning January 1, 2024, educational service districts, for nonrepresented employees, shall

make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board.

NEW SECTION. Sec. 7. (1) The Washington state health care authority, in consultation with the office of the superintendent of public instruction, educational service districts, and the office of financial management, shall study employee health benefits in educational service districts and the impact of participation in the school employees' benefits board program on educational service districts and their employees. The study must include an analysis of:

(a) Health benefit plans provided to educational service district employees and their costs;

(b) Estimated costs to educational service districts to participate in the school employees' benefits board program;

(c) Comparisons of costs, benefits offered, and employees covered, between educational service district health benefits and school employees' benefits board health benefits if adopted; and

(d) Revenue from school districts, state, federal, and other sources that support educational service district services and their ability to support rates negotiated for the school employees' benefits board program.

(2) By December 31, 2020, and in compliance with RCW 43.01.036, the Washington state health care authority must report findings from the study to the fiscal committees of the legislature.

NEW SECTION. Sec. 8. EFFECTIVE DATE FOR PROPERTY TAX DEPOSIT AND HOLD HARMLESS. Sections 1 and 2 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.

Sec. 9. RCW 28C.--.-- and 2019 c ... (E2SHB 2158) s 56 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the career connected learning grant program is established as a competitive grant program to advance the career connect Washington vision under RCW 28C.--.-- (section 55, chapter . . . (E2SHB 2158), Laws of 2019). The employment security department shall administer the program. The governor's office shall work with the employment security department to establish grant criteria and guide the process for selection with consultation from the career connected learning cross-agency work group.

(2) The purpose of the career connected learning grant program is to create career connected learning opportunities, including career awareness and exploration, career preparation, and career launch programs, that are both tailored to the local needs of students and employers and designed so that students may receive high school or college credit across industries and regions of the state to the maximum extent possible.

(3) The program funds shall be used for two overarching purposes:

(a) Support regional career connected learning and work-integrated learning networks in both rural and urban areas under subsection (5) of this section; and

(b) Support career connected learning program intermediaries working within and across regions who partner with multiple employers, labor partners, and educational institutions, work with K-12 and postsecondary career representatives to develop curricula for new and innovative programs, and scale existing career awareness and exploration, career preparation, and endorsed career launch programs.

(4) The program administrator shall consult with the governor's office and the career connected learning cross-agency

work group established in RCW 28C.--.-- (section 54, chapter . . . (E2SHB 2158), Laws of 2019) to develop a formal request for proposal for both the regional career connected learning and work-integrated learning networks and the program intermediaries.

(5)(a) Proposals for regional career connected learning and work-integrated learning networks and intermediaries may be sought from applicants within the geographic areas of the nine educational service districts. Successful applicants shall convene and manage regional, cross-industry networks that will lead to the expansion of career connected learning opportunities.

(b) Regional career connected learning and work-integrated learning network applicants must demonstrate regional knowledge and status as a trusted partner of industry and education stakeholders, a track record of success with career connected learning and aligned initiatives, and a commitment to equity. Regional career connected learning networks may include, but are not limited to, regional education networks, school districts, educational service districts, higher education institutions, workforce development councils, chambers of commerce, industry associations, joint labor management councils, multiemployer training partnerships, economic development councils, and nonprofit organizations.

(6) Eligible program intermediary applicants may include, but are not limited to, new or existing industry associations, joint labor management councils, regional networks, career technical student organizations, postsecondary education and training institutions working with multiple employer partners, state agencies, and other community-based organizations and expanded learning partners.

(7) Program intermediaries must work with appropriate faculty and staff at the state universities, the regional universities, and the state college, and K-12 education representatives, to expand the number of career launch program credits that may be articulated and transferred to postsecondary degree programs.

(8) Subject to the availability of amounts appropriated for this specific purpose, the employment security department, as the administrator of the program, has the authority to utilize funds deposited in the career connected learning account for the purposes of the program.

(9) During the 2019-2021 fiscal biennium, the employment security department must provide sufficient funding from amounts appropriated for the program to the office of the superintendent of public instruction to provide a grant to each of the nine educational service districts for costs of employing one full-time equivalent employee to support the expansion of career connected learning opportunities.

NEW SECTION. Sec. 10. Section 9 of this act takes effect only if chapter . . . (Engrossed Second Substitute House Bill No. 2158), Laws of 2019 is enacted by the effective date of this section."

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 84.52.065, 28A.300.780, 28A.320.330 41.05.011, 41.05.050, 28A.400.350, and 28C.--.--; creating a new section; providing a contingent effective date; and declaring an emergency."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2140.

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

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 2140 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2140 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2140 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Walsh, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Bailey, Brown, Ericksen, Hawkins, Holy, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Vice President Pro Tempore Conway assumed the chair.

MOTION

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

MESSAGE FROM THE HOUSE

April 19, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1326 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1326.

Senator Pedersen spoke in favor of the motion.

The Vice President Pro Tempore declared the question before the Senate to be motion by Senator Pedersen that the Senate recede from its position on the Senate amendments to Substitute House Bill No. 1326.

The motion by Senator Pedersen carried and the Senate receded from its amendments to Substitute House Bill No. 1326.

MOTION

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On motion of Senator Pedersen, the rules were suspended and Substitute House Bill No. 1326 was returned to second reading for the purposes of amendment.

MOTION

Senator Pedersen moved that the following striking amendment no. 778 by Senator Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as Jennifer and Michella's law.

NEW SECTION. Sec. 2. The legislature finds that the state of Washington has for decades routinely required collection of DNA biological samples from certain convicted offenders and persons required to register as sex and kidnapping offenders. The resulting DNA data has proven to be an invaluable component of forensic evidence analysis. Not only have DNA matches focused law enforcement efforts and resources on productive leads, assisted in the expeditious conviction of guilty persons, and provided identification of recidivist and cold case offenders, DNA analysis has also played a crucial role in absolving wrongly suspected and convicted persons and in providing resolution to those who have tragically suffered unimaginable harm.

In an effort to solve cold cases and unsolved crimes, to provide closure to victims and their family members, and to support efforts to exonerate the wrongly accused or convicted, the legislature finds that procedural improvements and measured expansions to the collection and analysis of lawfully obtained DNA biological samples are both appropriate and necessary.

Sec. 3. RCW 43.43.754 and 2017 c 272 s 4 are each amended to read as follows:

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

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

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

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

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

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

(v) Failure to register (~~RCW 9A.44.130 for persons convicted on or before June 10, 2010, and RCW 9A.44.132 for persons convicted after June 10, 2010~~) chapter 9A.44 RCW);

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

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

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

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

(x) Indecent exposure (RCW 9A.88.010);

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

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

(2)(a) A municipal jurisdiction may also submit any biological sample to the laboratory services bureau of the Washington state patrol for purposes of DNA identification analysis when:

(i) The sample was collected from a defendant upon conviction for a municipal offense where the underlying ordinance does not adopt the relevant state statute by reference but the offense is otherwise equivalent to an offense in subsection (1)(a) of this section;

(ii) The equivalent offense in subsection (1)(a) of this section was an offense for which collection of a biological sample was required under this section at the time of the conviction; and

(iii) The sample was collected on or after June 12, 2008, and before January 1, 2020.

(b) When submitting a biological sample under this subsection, the municipal jurisdiction must include a signed affidavit from the municipal prosecuting authority of the jurisdiction in which the conviction occurred specifying the state crime to which the municipal offense is equivalent.

(3) Law enforcement may submit to the forensic laboratory services bureau of the Washington state patrol, for purposes of DNA identification analysis, any lawfully obtained biological sample within its control from a deceased offender who was previously convicted of an offense under subsection (1)(a) of this section, regardless of the date of conviction.

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

~~((3))~~ (5) Biological samples shall be collected in the following manner:

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

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

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

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

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

~~((4))~~ (6) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense, who will not serve a term of confinement, the court shall order the person to report to the local police department or sheriff's office as provided under subsection (5)(b)(i) of this section within a reasonable period of time established by the court in order to provide a biological sample. The court must further inform the person that refusal to provide a biological sample is a gross misdemeanor under this section.

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

~~((5))~~ (8) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under ~~((subsection (1) or~~ this section, to the extent allowed by funding available for this purpose. ~~((The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9A.44.030.))~~ Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

~~((6))~~ (9) This section applies to:

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

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

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

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

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

(d) All samples submitted under subsections (2) and (3) of this section.

~~((7))~~ (10) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

~~((8))~~ (11) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks. No cause of action may be brought against the state based upon the analysis of a biological sample authorized to be taken pursuant to a municipal ordinance if the conviction or adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including, but not limited to, posttrial or postfact-finding motions, appeals, or collateral attacks.

~~((9))~~ (12) A person commits the crime of refusal to provide DNA if the person ~~((has a duty to register under RCW 9A.44.130 and the person))~~ willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

Sec. 4. RCW 9A.44.132 and 2015 c 261 s 5 are each amended to read as follows:

(1) A person commits the crime of failure to register as a sex offender if the person has a duty to register under RCW

9A.44.130 for a felony sex offense and knowingly fails to comply with any of the requirements of RCW 9A.44.130.

(a) The failure to register as a sex offender pursuant to this subsection is a class C felony if:

(i) It is the person's first conviction for a felony failure to register; or

(ii) The person has previously been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state, or pursuant to federal law.

(b) If a person has been convicted of a felony failure to register as a sex offender in this state or pursuant to the laws of another state, or pursuant to federal law, on two or more prior occasions, the failure to register under this subsection is a class B felony.

(2) A person is guilty of failure to register as a sex offender if the person has a duty to register under RCW 9A.44.130 for a sex offense other than a felony and knowingly fails to comply with any of the requirements of RCW 9A.44.130. The failure to register as a sex offender under this subsection is a gross misdemeanor.

(3) A person commits the crime of failure to register as a kidnapping offender if the person has a duty to register under RCW 9A.44.130 for a kidnapping offense and knowingly fails to comply with any of the requirements of RCW 9A.44.130.

(a) If the person has a duty to register for a felony kidnapping offense, the failure to register as a kidnapping offender is a class C felony.

(b) If the person has a duty to register for a kidnapping offense other than a felony, the failure to register as a kidnapping offender is a gross misdemeanor.

~~((A person commits the crime of refusal to provide DNA if the person has a duty to register under RCW 9A.44.130 and the person willfully refuses to comply with a legal request for a DNA sample as required under RCW 43.43.754(1)(b). The refusal to provide DNA is a gross misdemeanor.~~

~~((5))~~ Unless relieved of the duty to register pursuant to RCW 9A.44.141 and 9A.44.142, a violation of this section is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 43.43.754 and 9A.44.132; and creating new sections."

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

The Vice President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 778 by Senator Pedersen to Substitute House Bill No. 1326.

The motion by Senator Pedersen carried and striking amendment no. 778 was adopted by voice vote.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1326 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1326 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Erickson, Fortunato, Frockt, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De

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Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Hasegawa

SUBSTITUTE HOUSE BILL NO. 1326, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:23 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Becker announced a meeting of the Republican Caucus immediately upon going at ease.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 2:05 p.m. by President Pro Tempore Keiser.

REPORT OF THE CONFERENCE COMMITTEE

Engrossed Substitute House Bill No. 1160

April 28, 2019

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 1160, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

And the bill do pass as recommended by the conference committee.

Signed by Senators Hobbs, King and Saldaña; Representatives Barkis, Fey and Wylie.

MOTION

Senator Hobbs moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1160 be adopted.

Senators Hobbs, King, Fortunato, Schoesler and Lovelett spoke in favor of passage of the motion.

Senator Ericksen spoke against the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hobbs that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1160 be adopted.

The motion by Senator Hobbs carried and the Report of the Conference Committee was adopted by voice vote.

MOTION

On motion of Senator Wilson, C., Senators Frockt and Rolfes were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1160, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1160, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1160, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hobbs: "Well, of course, I've got to take the time as a good chair of the committee to encourage, hopefully Madam President you will allow everyone to stand up and maybe a round of applause for transportation staff. They are not, they are probably in their offices watching right now, so thank you."

The senate rose and recognized the work of the staff of the Committee on Transportation.

Senator Hobbs: "Yes Madam President, you know they spent a lot a long nights and weekends working on this project, in your amendments. And, of course, I want to thank the good Senator, Senator King, my ranking, and Senator Saldaña. Thank you, and Senator Sheldon, for working together this whole time and, finally, getting this transportation budget. And, and I'd like to say that the only bad thing was that we're always done first and unfortunately I lost. And I am the last one that got out of the Code Reviser's Office but anyway, I'm glad this part is done. So thank you everyone for your support."

PERSONAL PRIVILEGE

Senator Liias: "Thank you Madam President. I join Senator Hobbs in his great comments about our Senate Committee Services and caucus staff who work on transportation but I'd like to particularly single out David Ward, who works for Senate Committee Services, for many many years of wonderful service to the Senate and to the people of Washington State. He is leaving the Senate family to go work at the Joint Transportation Committee. So, he won't be very far away but just wanted to specifically thank David for not just this session but during Connecting Washington. And I, I hate to admit it, even when I was in the House, I appreciated David Ward and his contributions to the transportation negotiations. So, I'm sure that David is watching, particularly want to thank him for his long and dedicated service and we look forward to seeing what comes next for him in public service. Thank you Madam President."

PERSONAL PRIVILEGE

Senator King: "I just want to echo the same sentiments that the previous speaker made. David has been a stalwart in the Transportation Committee, what do we call it? Anyway, Services.

He just does an absolutely great job. His institutional knowledge is what we're going to miss. I think he thinks this is going to the Joint Transportation Committee is going to be like maybe semi-retirement but, David, we have news for you pal, we're going to work you hard over there. But we are very much going to miss you in the Senate Transportation but we wish you well."

MESSAGES FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:

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

SUBSTITUTE HOUSE BILL NO. 1101,

SUBSTITUTE HOUSE BILL NO. 1102,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 28, 2019

MR. PRESIDENT:

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

SUBSTITUTE HOUSE BILL NO. 1406,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1768,

ENGROSSED SECOND SUBSTITUTE

HOUSE BILL NO. 2158,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2161,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2042, by House Committee on Finance (originally sponsored by Fey, Orcutt, Slatter, Doglio, Tharinger and Ramos)

Advancing green transportation adoption.

The measure was read the second time.

MOTION

Senator Saldaña moved that the following committee striking amendment by the Committee on Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that increasing the rate of adoption of electric vehicles and vessels and other clean alternative fuel vehicles will help to reduce harmful air pollution from exhaust emissions, including greenhouse gas emissions, in the state. The legislature also finds that an increased reliance on greener transit options will help to further reduce harmful air pollution from exhaust emissions. The legislature further finds that support for clean alternative fuel infrastructure can help to increase adoption of green transportation in the state, as noted in a 2015 joint transportation committee report. It is therefore the legislature's intent to drive green vehicle and vessel adoption and increased green transit use by: (1) Establishing and extending tax incentive programs for alternative fuel vehicles and related infrastructure, including for commercial vehicles; (2)

providing funding for a capital grant program to assist transit authorities in reducing the carbon output of their fleets; (3) increasing public and private electric utilities' ability to invest in electric vehicle charging infrastructure; (4) establishing a technical assistance program for public agencies within the Washington State University's energy program; (5) funding a pilot program to test methods for facilitating access to alternative fuel vehicles and alternative fuel vehicle infrastructure by low-income residents of the state; (6) funding a study to examine opportunities to provide financing assistance to lower-income residents of the state who would like to purchase an electric vehicle; and (7) establishing a tax incentive program for certain electric vessels.

Sec. 2. RCW 28B.30.903 and 2010 c 37 s 1 are each amended to read as follows:

(1) The Washington State University extension energy program shall provide information, technical assistance, and consultation on physical plant operation, maintenance, and construction issues to state and local governments, tribal governments, and nonprofit organizations through its plant operations support program. The Washington State University extension energy program may not enter into facilities design or construction contracts on behalf of state or local government agencies, tribal governments, or nonprofit organizations. The plant operations support program created in this section must be funded by voluntary subscription charges, service fees, and other funding acquired by or provided to Washington State University for such purposes.

(2) Subject to the availability of amounts appropriated for this specific purpose, the Washington State University extension energy program shall establish and administer a technical assistance and education program focused on the use of alternative fuel vehicles. Education and assistance may be provided to public agencies, including local governments and other state political subdivisions.

Sec. 3. RCW 47.04.350 and 2015 3rd sp.s. c 44 s 403 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department's public-private partnership office must develop and maintain a ((pilot)) program to support the deployment of ((electric)) clean alternative fuel vehicle charging and refueling infrastructure that is supported by private financing.

(2) The department must define corridors in which bidders may propose to install electric vehicle charging infrastructure or hydrogen fueling stations, and may update these corridors over time as needed. Alternatively, a bidder may propose a corridor in which the bidder proposes to install electric vehicle infrastructure or hydrogen fueling stations if the department has adopted rules allowing such a proposal and establishing guidelines for how such a proposal will be considered.

(3)(a) For bid proposals under this section, the department must require the following:

(i) Bidders must have private sector partners contributing to the project who stand to gain indirect value from development of the project, such as motor vehicle manufacturers, retail stores, or tourism stakeholders;

(ii) Bidders must demonstrate that the proposed project will be valuable to ((electric)) clean alternative fuel vehicle drivers and will address an existing gap in the state's ((electric vehicle charging station)) low carbon transportation infrastructure;

(iii) Projects must be expected to be profitable and sustainable for the owner-operator and the private partner; and

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(iv) Bidders must specify how the project captures the indirect value of charging or refueling station deployment to the private partner.

(b) The department may adopt rules that require any other criteria for a successful project.

(4) In evaluating proposals under this section, the department may use the electric vehicle financial analysis tool that was developed in the joint transportation committee's study into financing electric vehicle charging station infrastructure.

(5)(a) After selecting a successful proposer under this section, the department may provide a loan or grant to the proposer.

(b) Grants and loans issued under this subsection must be funded from the electric vehicle ~~((charging infrastructure))~~ account created in RCW 82.44.200.

(c) Any project selected for support under this section is eligible for only one grant or loan as a part of the ~~((pilot))~~ program.

(6) The department may conduct preliminary workshops with potential bidders and other potential private sector partners to determine the best method of designing and maintaining the ~~((pilot))~~ program, discuss how to develop and maintain the partnerships among the private sector partners that may receive indirect value, and any other issues relating to the implementation and administration of this section. The department should consider regional workshops to engage potential business partners from across the state.

(7) The department must adopt rules to implement and administer this section.

Sec. 4. 2019 c ... (SHB 1512) s 1 (uncodified) is amended to read as follows:

The legislature finds that:

(1) Programs for the electrification of transportation have the potential to allow electric utilities to optimize the use of electric grid infrastructure, improve the management of electric loads, and better manage the integration of variable renewable energy resources. Depending upon each utility's unique circumstances, electrification of transportation programs may provide cost-effective energy efficiency, through more efficient use of energy resources, and more efficient use of the electric delivery system. Electrification of transportation may result in cost savings and benefits for all ratepayers.

(2) State policy can achieve the greatest return on investment in reducing greenhouse gas emissions and improving air quality by expediting the transition to alternative fuel vehicles, including electric vehicles. Potential benefits associated with electrification of transportation include the monetization of environmental attributes associated with carbon reduction in the transportation sector.

(3) Legislative clarity is important for utilities to offer programs and services, including incentives, in the electrification of transportation for their customers. It is the intent of the legislature to allow all utilities to support transportation electrification to further the state's policy goals and achieve parity among all electric utilities, so each electric utility, depending on its unique circumstances, can determine its appropriate role in the development of electrification of transportation infrastructure.

Sec. 5. RCW 80.28.--- and 2019 c ... (SHB 1512) s 4 are each amended to read as follows:

(1) An electric utility regulated by the utilities and transportation commission under this chapter may submit to the commission an electrification of transportation plan that deploys electric vehicle supply equipment or provides other electric transportation programs, services, or incentives to support electrification of transportation ~~((; provided that such electric~~

~~vehicle supply equipment, programs, or services may not increase costs to customers in excess of one quarter of one percent above the benefits of electric transportation to all customers over a period consistent with the utility's planning horizon under its most recent integrated resource plan)). The plans should align to a period consistent with either the utility's planning horizon under its most recent integrated resource plan or the time frame of the actions contemplated in the plan, and may include:~~

~~(a) Any programs that the utility is proposing contemporaneously with the plan filing or anticipates later in the plan period;~~

~~(b) Anticipated benefits of transportation electrification, based on a forecast of electric transportation in the utilities' service territory; and~~

~~(c) Anticipated costs of programs, subject to the restrictions in RCW 80.28.360.~~

(2) In reviewing an electrification of transportation plan under subsection (1) of this section, the commission may consider the following: (a) The applicability of multiple options for electrification of transportation across all customer classes; (b) the impact of electrification on the utility's load, and whether demand response or other load management opportunities, including direct load control and dynamic pricing, are operationally appropriate; (c) system reliability and distribution system efficiencies; (d) interoperability concerns, including the interoperability of hardware and software systems in electrification of transportation proposals; and (e) the benefits and costs of the planned actions ~~((; and (f) the overall customer experience)).~~

(3) The commission must issue an acknowledgment of an electrification of transportation plan within six months of the submittal of the plan. The commission may establish by rule the requirements for preparation and submission of an electrification of transportation plan. An electric utility may submit a plan under this section before or during rule-making proceedings.

Sec. 6. RCW 80.28.360 and 2019 c ... (SHB 1512) s 5 are each amended to read as follows:

(1) In establishing rates for each electrical company regulated under this title, the commission may allow an incentive rate of return on investment through December 31, 2030, on capital expenditures for electric vehicle supply equipment that is deployed for the benefit of ratepayers, provided that the capital expenditures of the utilities' programs or plans in section 5(1) of this act do not increase ((costs to ratepayers)) the annual retail revenue requirement of the utility, after accounting for the benefits of transportation electrification in each year of the plan, in excess of one-quarter of one percent. The commission must consider and may adopt other policies to improve access to and promote fair competition in the provision of electric vehicle supply equipment.

(2) An incentive rate of return on investment under this section may be allowed only if the company chooses to pursue capital investment in electric vehicle supply equipment on a fully regulated basis similar to other capital investments behind a customer's meter. In the case of an incentive rate of return on investment allowed under this section, an increment of up to two percent must be added to the rate of return on common equity allowed on the company's other investments.

(3) The incentive rate of return on investment authorized in subsection (2) of this section applies only to projects which have been installed after July 1, 2015.

(4) The incentive rate of return on investment increment pursuant to this section may be earned only for a period up to the depreciable life of the electric vehicle supply equipment as defined in the depreciation schedules developed by the company

and submitted to the commission for review. When the capital investment has fully depreciated, an electrical company may gift the electric vehicle supply equipment to the owner of the property on which it is located.

(5) By December 31, 2017, the commission must report to the appropriate committees of the legislature with regard to the use of any incentives allowed under this section, the quantifiable impacts of the incentives on actual electric vehicle deployment, and any recommendations to the legislature about utility participation in the electric vehicle market.

NEW SECTION. Sec. 7. This section is the tax preference performance statement for the tax preferences contained in sections 8 through 14, chapter . . . , Laws of 2019 (sections 8 through 14 of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature’s specific public policy objective to increase the use of clean alternative fuel vehicles in Washington. It is the legislature’s intent to establish and extend tax incentive programs for alternative fuel vehicles and related infrastructure by: (a) Reinstating the sales and use tax exemption on certain clean alternative fuel vehicles in order to reduce the price charged to customers for clean alternative fuel vehicles; (b) extending the business and occupation and public utility tax credit for clean alternative fuel commercial vehicles and expanding it to include clean alternative fuel infrastructure; (c) extending the sales and use tax exemption for electric vehicle batteries, fuel cells, and infrastructure and expanding it to include the electric battery and fuel cell components of electric buses and zero emissions buses; and (d) extending the leasehold excise tax exemption to tenants of public lands for battery and fuel cell electric vehicle infrastructure.

(3) To measure the effectiveness of the tax preferences in sections 8 through 14, chapter . . . , Laws of 2019 (sections 8 through 14 of this act) in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of clean alternative fuel vehicles titled in the state.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the department of licensing and the department of revenue must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

Sec. 8. RCW 82.04.4496 and 2017 c 116 s 1 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gross Vehicle Weight	Incremental Cost Amount	Maximum Credit Amount Per Vehicle	Maximum Annual Credit Per Vehicle Class
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Up to 14,000 pounds	((50%)) 75% of incremental cost	\$25,000	\$2,000,000
14,001 to 26,500 pounds	((50%)) 75% of incremental cost	\$50,000	\$2,000,000
Above 26,500 pounds	((50%)) 75% of incremental cost	\$100,000	\$2,000,000

(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to fifty percent of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of two million dollars.

(b) On September 1st of each year, any unused credits from any ~~((weight class))~~ category identified in ~~((the table in))~~ (a) of this subsection must be made available to applicants applying for credits under any other ~~((weight class listed))~~ category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.16.0496 is subject to a maximum annual credit amount of six million dollars, and a maximum total credit amount of thirty-two and one-half million dollars since the credit became available on July 15, 2015.

(c) The credit provided in (a)(i) of this subsection ~~((+))~~ is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection ~~((+))~~ multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per ~~((vehicle class))~~ category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of twenty-five thousand dollars or ~~((thirty))~~ fifty percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed the lesser of two hundred fifty thousand dollars or twenty-five vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.16 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.16.0496, during any calendar year to exceed six million dollars. The department must provide notification on its web site monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.16.0496 to exceed thirty-two and one-half million dollars. The department must provide notification on its web site monthly on the total

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amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:
(i) The name, business address, and tax identification number of the applicant;

(ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;

(iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;

(vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;

(vii) The gross weight of each vehicle for vehicle credits;

(viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and

(ix) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Within fifteen days of notice of credit availability from the department, provide notice of intent to claim the credit including:

(i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;

(ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit; ~~((and))~~

(iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(c) Provide final documentation within ~~((fifteen))~~ thirty days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:

(i) A copy of the final invoice for the vehicle or infrastructure-related items;

(ii) A copy of the factory build sheet or equivalent documentation;

(iii) The vehicle identification number of each vehicle;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) Attestations signed by both the seller and purchaser of each vehicle attesting that the incremental cost of the alternative fuel

system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and

(vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply for multiple vehicles on the same application, but the application must include the required information for each vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

(a) Provide notification on its web site monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit ~~((is))~~ and total limit are reached;

(b) Within fifteen days of receipt of the application, notify persons applying of the availability of tax credits in the year in which the vehicles or infrastructure applied for are anticipated to be delivered, constructed, or installed;

(c) Within fifteen days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and

(d) Within fifteen days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.

(11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.

(12)(a) Taxpayers are only eligible for a credit under this section based on:

(i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel; ~~((or))~~

(ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or

(iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction or installation of alternative fuel vehicle infrastructure.

(b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.

(13) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.

(14)(a) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.

(15) The department must conduct outreach to interested parties to obtain input on how best to streamline the application

process required for the credit made available in this section and RCW 82.16.0496 to further adoption of alternative fuel technologies in commercial vehicle fleets, and must incorporate the findings resulting from this outreach effort into the rules and practices it adopts to implement and administer this section and RCW 82.16.0496 to the extent permitted under law.

~~(16)~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

~~(a)~~ "Alternative fuel vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a clean alternative fuel vehicle.

~~(b)~~ "Auto transportation company" means any corporation or person owning, controlling, operating, or managing any motor propelled vehicle, used in the business of transporting persons for compensation over public highways within the state of Washington, between fixed points or over a regular route. For the purposes of this section, "auto transportation company" also includes the following categories of providers irrespective of whether they provide service between fixed points or over a regular route: "Private, nonprofit transportation provider" as defined in RCW 81.66.010, "charter party carrier" as defined in RCW 81.70.020, and paratransit service providers who primarily provide special needs transportation to individuals with disabilities and the elderly.

~~((b))~~ ~~(c)~~ "Clean alternative fuel" means electricity, dimethyl ether, hydrogen, methane, natural gas, liquefied natural gas, compressed natural gas, or propane.

~~((e))~~ ~~(d)~~ "Commercial vehicle" means any commercial vehicle that is purchased by a private business and that is used exclusively in the provision of commercial services or the transportation of commodities, merchandise, produce, refuse, freight, animals, or passengers, and that is displaying a Washington state license plate. All commercial vehicles that provide transportation to passengers must be operated by an auto transportation company.

~~((f))~~ ~~(e)~~ "Gross capitalized cost" means the agreed upon value of the commercial vehicle and including any other items a person pays over the lease term that are included in such cost.

~~((g))~~ ~~(f)~~ "Lease reduction factor" means the vehicle gross capitalized cost less the residual value, divided by the gross capitalized cost.

~~((h))~~ ~~(g)~~ "Qualifying used commercial vehicle" means vehicles that:

- (i) Have an odometer reading of less than four hundred fifty thousand miles;
- (ii) Are less than ten years past their original date of manufacture;
- (iii) Were modified after the initial purchase with a United States environmental protection agency certified conversion that would allow the propulsion units to be principally powered by a clean alternative fuel; and
- (iv) Are being sold for the first time after modification.

~~((i))~~ ~~(h)~~ "Residual value" means the lease-end value of the vehicle as determined by the lessor, at the end of the lease term included in the lease contract.

~~((j))~~ ~~(17)~~ Credits may be earned under this section from January 1, 2016, ~~((through January 1, 2021))~~ until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, ((through January 1, 2021)) until the maximum total credit amount in subsection (1)(b) of this section is reached.

~~((17) Credits earned under this section may not be used after January 1, 2022.~~

~~(18) This section expires January 1, 2022.)~~

NEW SECTION. Sec. 9. A new section is added to chapter 82.08 RCW to read as follows:

(1) Beginning with sales made or lease agreements signed on or after the qualification period start date:

(a) The tax levied by RCW 82.08.020 does not apply as provided in (b) of this subsection to sales or leases of new or used passenger cars, light duty trucks, and medium duty passenger vehicles that:

(i) Are exclusively powered by a clean alternative fuel; or
(ii) Use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power; and

(iii)(A) Have a vehicle selling price plus trade-in property of like kind for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed forty-five thousand dollars; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed thirty thousand dollars; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed forty-five thousand dollars; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed thirty thousand dollars;

(b)(i) The exemption in this section is applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's selling price, for sales made; or

(B) The total lease payments made plus any additional selling price of the leased vehicle if the original lessee purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is thirty-two thousand dollars;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is twenty-four thousand dollars;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is sixteen thousand dollars.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is sixteen thousand dollars.

(2) The seller must keep records necessary for the department to verify eligibility under this section. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(3)(a) The department of licensing must maintain and publish a list of all vehicle models that meet the qualifying criteria in subsection (1)(a)(i) or (ii) of this section and section 10(1)(a)(i) or (ii) of this act until the expiration date of this section, and is authorized to issue final rulings on vehicle model qualification for these criteria. A seller is not responsible for repayment of the tax exemption under this section and section 10 of this act for a vehicle if the department of licensing's published list of qualifying vehicle models on the purchase date or the date the lease agreement was signed includes the vehicle model and the department of licensing subsequently removes the vehicle model from the published list, provided the vehicle meets the applicable qualifying criterion under subsection (1)(a)(iii) of this section and section 10(1)(a)(iii) of this act.

(b) The department of revenue retains responsibility for determining whether a vehicle meets the applicable qualifying criterion under subsection (1)(a)(iii) of this section and section 10(1)(a)(iii) of this act.

(4) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(5) By the last day of October 2019, and every six months thereafter until this section expires, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of vehicles that qualified for the exemption under this section and section 10 of this act by month of purchase or lease start and vehicle make and model; the dollar amount of all state retail sales and use taxes exempted on or after the qualification period start date, under this section and section 10 of this act; and estimates of the future costs of leased vehicles that qualified for the exemption under this section and section 10 of this act.

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

(a) "Clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California motor vehicle emission standards in Title 13 of the California Code of Regulations, effective January 1, 2019, and the rules of the Washington state department of ecology.

(b) "Fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

(c) "New vehicle" has the same meaning as "new motor vehicle" in RCW 46.04.358.

(d) "Qualification period end date" means August 1, 2025.

(e) "Qualification period start date" means the effective date of this section.

(f) "Used vehicle" has the same meaning as in RCW 46.04.660.

(7)(a) Sales of vehicles delivered to the buyer or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before the expiration date of this section.

(8) This section expires August 1, 2028.

(9) This section is supported by the revenues generated in section 23 of this act, and therefore takes effect only if section 23 of this act is enacted by June 30, 2019.

NEW SECTION. **Sec. 10.** A new section is added to chapter 82.12 RCW to read as follows:

(1) Until August 1, 2028, beginning with sales made or lease agreements signed on or after the qualification period start date:

(a) The provisions of this chapter do not apply as provided in (b) of this subsection in respect to the use of new or used passenger cars, light duty trucks, and medium duty passenger vehicles that:

(i) Are exclusively powered by a clean alternative fuel; or

(ii) Use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power; and

(iii)(A) Have a fair market value at the time use tax is imposed for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed forty-five thousand dollars; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed thirty thousand dollars; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed forty-five thousand dollars; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed thirty thousand dollars;

(b)(i) The exemption in this section is only applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's purchase price, for sales made; or

(B) The total lease payments made plus any additional purchase price of the leased vehicle if the original lessee purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is thirty-two thousand dollars;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is twenty-four thousand dollars;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is sixteen thousand dollars.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is sixteen thousand dollars.

(2)(a) The seller must keep records necessary for the department to verify eligibility under this section, except as provided in (b) of this subsection. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or

start date of lease; length of lease; fair market value of the vehicle; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(b) (a) of this subsection applies only if the seller or person claiming the exemption is a vehicle dealer, as defined under RCW 46.70.011. When the seller is not a vehicle dealer, the department of licensing must establish a process for granting the tax exemption under this section for use tax otherwise collected at the time the ownership of a vehicle is transferred when the vehicle qualifies for the use tax exemption under subsection (1)(a) of this section, and must provide any information required under (a) of this subsection that it obtains as part of the vehicle titling and registration process for these vehicles to the department on at least a quarterly basis.

(3) Until August 1, 2028, on the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data.

(4)(a) Vehicles purchased or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before August 1, 2028.

(5) The definitions in section 9 of this act apply to this section.

(6) This section is supported by the revenues generated in section 23 of this act, and therefore takes effect only if section 23 of this act is enacted by June 30, 2019.

Sec. 11. RCW 82.08.816 and 2009 c 459 s 4 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries or fuel cells for electric vehicles, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure, including hydrogen fueling stations; ~~(and)~~

(d) The sale of tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(e) The sale of zero emissions buses.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption ~~(certification)~~ certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this

section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support ~~((and)) a battery or fuel cell~~ electric vehicle, including battery charging stations, rapid charging stations, ~~((and)) battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.~~

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

~~((4))~~ (e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

(5) This section expires ~~((January)) August 1, ((2020)) 2029.~~

Sec. 12. RCW 82.12.816 and 2009 c 459 s 5 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries or fuel cells, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells; ~~((and))~~

(c) Tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(d) Zero emissions buses.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by

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chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support ~~((an))~~ a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, ~~((and))~~ battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(4) This section expires ~~((January))~~ August 1, ~~((2020))~~ 2029.

Sec. 13. RCW 82.16.0496 and 2017 c 116 s 2 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gross Vehicle Weight	Incremental Cost Amount	Maximum Credit Amount Per Vehicle	Maximum Annual Credit Per Vehicle Class
Up to 14,000 pounds	((50%)) 75% of incremental cost	\$25,000	\$2,000,000
14,001 to 26,500 pounds	((50%)) 75% of incremental cost	\$50,000	\$2,000,000

Above 26,500 pounds	((50%)) 75% of incremental cost	\$100,000	\$2,000,000
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(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to fifty percent of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of two million dollars.

(b) On September 1st of each year, any unused credits from any ~~((weight class))~~ category identified in ~~((the table in))~~ (a) of this subsection must be made available to applicants applying for credits under any other ~~((weight class listed))~~ category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.04.4496 is subject to a maximum annual credit amount of six million dollars, and a maximum total credit amount of thirty-two and one-half million dollars beginning July 15, 2015.

(c) The credit provided in (a)(i) of this subsection ~~((+))~~ is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection ~~((+))~~ multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per ~~((vehicle class))~~ category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of twenty-five thousand dollars or ~~((thirty))~~ fifty percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed the lesser of two hundred fifty thousand dollars or twenty-five vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.04 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.04.4496, during any calendar year to exceed six million dollars. The department must provide notification on its web site monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.04.4496 to exceed thirty-two and one-half million dollars. The department must provide notification on its web site monthly on the total amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

- (a) Complete an application for the credit which must include:
 - (i) The name, business address, and tax identification number of the applicant;
 - (ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;
 - (iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;
 - (iv) The incremental cost of the alternative fuel system for vehicle credits;
 - (v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;
 - (vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;
 - (vii) The gross weight of each vehicle for vehicle credits;
 - (viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and
 - (ix) Any other information deemed necessary by the department to support administration or reporting of the program.
- (b) Within fifteen days of notice of credit availability from the department, provide notice of intent to claim the credit including:
 - (i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;
 - (ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit; ~~((and))~~
 - (iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and
 - (iv) Any other information deemed necessary by the department to support administration or reporting of the program.
- (c) Provide final documentation within ~~((fifteen))~~ thirty days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:
 - (i) A copy of the final invoice for the vehicle or infrastructure-related items;
 - (ii) A copy of the factory build sheet or equivalent documentation;
 - (iii) The vehicle identification number of each vehicle;
 - (iv) The incremental cost of the alternative fuel system for vehicle credits;
 - (v) Attestations signed by both the seller and purchaser of the vehicle attesting that the incremental cost of the alternative fuel system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and
 - (vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply for multiple vehicles on the same application, but the application must include the required information for each vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

- (a) Provide notification on its web site monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit ~~((is))~~ and total limit are reached;
 - (b) Within fifteen days of receipt of the application, notify persons applying of the availability of tax credits in the year in which the vehicles or infrastructure applied for are anticipated to be delivered, constructed, or installed;
 - (c) Within fifteen days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and
 - (d) Within fifteen days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.
- (11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.
- (12)(a) Taxpayers are only eligible for a credit under this section based on:
- (i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel; ~~((or))~~
 - (ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or
 - (iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction or installation of alternative fuel vehicle infrastructure.
- (b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.
- (13) The definitions in RCW 82.04.4496 apply to this section.
- (14) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.
- (15)(a) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.
- (b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.
- (16) Credits may be earned under this section from January 1, 2016, ~~((through January 1, 2021))~~ until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, ~~((through January 1, 2021))~~ until the maximum total credit amount in subsection (1)(b) of this section is reached.

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~~((17) Credits earned under this section may not be used after January 1, 2022.~~

~~((18) This section expires January 1, 2022.))~~

Sec. 14. RCW 82.29A.125 and 2009 c 459 s 3 are each amended to read as follows:

(1) Leasehold excise tax may not be imposed on leases to tenants of public lands for purposes of installing, maintaining, and operating electric vehicle infrastructure.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, ~~((and))~~ battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(3) This section expires ~~((January))~~ August 1, ((2020)) 2029.

Sec. 15. RCW 82.44.200 and 2015 3rd sp.s. c 44 s 404 are each amended to read as follows:

The electric vehicle ~~((charging infrastructure))~~ account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, sections 9 and 10 of this act, and the support of other transportation electrification and alternative fuel related purposes. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 16. A new section is added to chapter 47.04 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department's public-private partnership office must develop a pilot program to support clean alternative fuel car sharing programs to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Nonprofit

organizations or local governments, including housing authorities, with a demonstrated history of managing or implementing low-income transportation clean alternative fuel and shared mobility pilot programs are eligible to participate in this program.

(2) The department must determine specific eligibility criteria, based on the requirements of this section, the report submitted to the legislature by the Puget Sound clean air agency entitled facilitating low-income utilization of electric vehicles, and other factors relevant to increasing clean alternative fuel vehicle use in underserved and low to moderate income communities. The department may adopt rules specifying the eligibility criteria it selects.

(3) The department may conduct preliminary workshops with potential bidders and other potential partners to determine the best method of designing the pilot program.

(4) The department must include the following elements in its proposal evaluation and scoring methodology: History of successful management of equity focused clean alternative fuel vehicle projects; substantial level of involvement from community-based, equity focused organizations in the project; plan for long-term financial sustainability of the work beyond the duration of the grant period; matching resources leveraged for the project; and geographical diversity of the projects selected.

(5) After selecting successful proposals under this section, the department may provide grant funding to them. The total grant amount available per project may range from fifty thousand to two hundred thousand dollars. The grant opportunity must include possible funding of vehicles, charging or refueling station infrastructure, staff time, and any other expenses required to implement the project. No more than ten percent of grant funds may be used for administrative expenses.

(6)(a) Any property acquired with state grant funding under this section by nongovernmental participants must be used solely for program purposes and, if sold, the proceeds of the sale must be used solely for program purposes.

(b) At the termination of a program for providing alternative fuel car sharing services, the state must be reimbursed for any property acquired with state grant funding under this section that nongovernmental participants in the program retain at the time of program termination. The amount of reimbursement may under no circumstances be less than the fair market value of the property at the time of the termination of the program.

NEW SECTION. Sec. 17. (1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce must conduct a study to identify opportunities to reduce barriers to battery and fuel cell electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance. The study must include an assessment of opportunities to work with nonprofit lenders to facilitate vehicle purchases through the use of loan-loss reserves and rate buy downs by qualified borrowers purchasing battery and fuel cell electric vehicles that are eligible for the tax exemptions under sections 9 and 10 of this act, and may address additional financing assistance opportunities identified. The study must focus on potential borrowers who are at or below eighty percent of the state median household income. The study may also address any additional opportunities identified to increase electric vehicle adoption by lower income residents of the state.

(2) The department of commerce must provide a report detailing the findings of this study to the transportation committees of the legislature by June 30, 2020, and may contract with a consultant on all or a portion of the study.

NEW SECTION. Sec. 18. A new section is added to chapter 47.66 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to twenty percent of the total cost of the project.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

Sec. 19. RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and 2018 c 203 s 14 are each reenacted and amended to read as follows:

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

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

transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle ((charging infrastructure)) account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources

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stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund,

the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

NEW SECTION. Sec. 20. This section is the tax preference performance statement for the tax preferences contained in sections 21 and 22, chapter . . . , Laws of 2019 (sections 21 and 22 of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of electric vessels in Washington. It is the legislature's intent to establish a sales and use tax exemption on certain electric vessels in order to reduce the price charged to customers for electric vessels.

(3) To measure the effectiveness of the tax preferences in sections 21 and 22, chapter . . . , Laws of 2019 (sections 21 and 22 of this act) in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of electric vessels titled in the state.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the department of licensing and the department of revenue must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

NEW SECTION. Sec. 21. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of new battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts.

(b) The sale of new vessels equipped with propulsion systems that qualify under (a) of this subsection.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(4) For the purposes of this section:

(a) "Battery-powered electric marine propulsion system" means a fully electric outboard or inboard motor used by vessels, the sole source of propulsive power of which is the energy stored in the battery packs. The term includes required accessories, such as throttles, displays, and battery packs; and

(b) "Vessel" includes every watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(5) This section expires August 1, 2029.

NEW SECTION. Sec. 22. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) New battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts; and

(b) New vessels equipped with propulsion systems that qualify under (a) of this subsection.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(4) For the purposes of this section, "battery-powered electric marine propulsion system" and "vessel" have the same meanings as provided in section 22 of this act.

(5) This section expires August 1, 2029.

NEW SECTION. Sec. 23. A new section is added to chapter 46.17 RCW to read as follows:

To realize the environmental benefits of electrification of the transportation system it is necessary to support the adoption of electric vehicles and other electric technology in the state by incentivizing the purchase of these vehicles, building out the charging infrastructure, developing greener transit options, and supporting clean alternative fuel infrastructure. Therefore, it is the intent of the legislature to support these activities through the imposition of new transportation electrification fees in this section.

(1) A vehicle that both (a) uses at least one method of propulsion that is capable of being reenergized by an external source of electricity and (b) is capable of traveling at least thirty miles using only battery power, is subject to an annual one hundred fifty dollar transportation electrification fee to be collected by the department, county auditor, or other agent or subagent appointed by the director. For administrative efficiencies, the transportation electrification fee must be collected at the same time as vehicle registration renewals and may only be collected for vehicles that are renewing an annual vehicle registration.

(2) In lieu of the fee in subsection (1) of this section for a hybrid electric or alternative fuel vehicle that is not required to pay the fees established in RCW 46.17.323 (1) and (4), the department, county auditor, or other agent or subagent appointed by the director must require that the applicant for the annual vehicle

registration renewal of such hybrid electric or alternative fuel vehicle pay a fifty dollar hybrid vehicle transportation electrification fee.

(3) The fees required under this section must be deposited in the electric vehicle account created in RCW 82.44.200, until July 1, 2029, when the fee must be deposited in the motor vehicle account.

NEW SECTION. Sec. 24. Sections 1 through 7, 9 through 12, and 14 through 23 of this act take effect August 1, 2019.

NEW SECTION. Sec. 25. Sections 8 and 13 of this act take effect January 1, 2020."

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "amending RCW 28B.30.903, 47.04.350, 80.28.---, 80.28.360, 82.04.4496, 82.08.816, 82.12.816, 82.16.0496, 82.29A.125, and 82.44.200; amending 2019 c ... (SHB 1512) s 1 (uncodified); reenacting and amending RCW 43.84.092; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.66 RCW; adding a new section to chapter 46.17 RCW; creating new sections; providing effective dates; providing contingent effective dates; and providing expiration dates."

The President Pro Tempore declared the question before the Senate to be the motion to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Second Substitute House Bill No. 2042.

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

MOTION

Senator Saldaña moved that the following striking amendment no. 832 by Senators Saldaña, Hobbs and King be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that increasing the rate of adoption of electric vehicles and vessels and other clean alternative fuel vehicles will help to reduce harmful air pollution from exhaust emissions, including greenhouse gas emissions, in the state. The legislature also finds that an increased reliance on greener transit options will help to further reduce harmful air pollution from exhaust emissions. The legislature further finds that support for clean alternative fuel infrastructure can help to increase adoption of green transportation in the state, as noted in a 2015 joint transportation committee report. It is therefore the legislature's intent to drive green vehicle and vessel adoption and increased green transit use by: (1) Establishing and extending tax incentive programs for alternative fuel vehicles and related infrastructure, including for commercial vehicles; (2) providing funding for a capital grant program to assist transit authorities in reducing the carbon output of their fleets; (3) increasing public and private electric utilities' ability to invest in electric vehicle charging infrastructure; (4) establishing a technical assistance program for public agencies within the Washington State University's energy program; (5) funding a pilot program to test methods for facilitating access to alternative fuel vehicles and alternative fuel vehicle infrastructure by low-income residents of the state; (6) funding a study to examine opportunities to provide financing assistance to lower-income residents of the state who would like to purchase an electric

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vehicle; and (7) establishing a tax incentive program for certain electric vessels.

Sec. 2. RCW 28B.30.903 and 2010 c 37 s 1 are each amended to read as follows:

(1) The Washington State University extension energy program shall provide information, technical assistance, and consultation on physical plant operation, maintenance, and construction issues to state and local governments, tribal governments, and nonprofit organizations through its plant operations support program. The Washington State University extension energy program may not enter into facilities design or construction contracts on behalf of state or local government agencies, tribal governments, or nonprofit organizations. The plant operations support program created in this section must be funded by voluntary subscription charges, service fees, and other funding acquired by or provided to Washington State University for such purposes.

(2) Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, the Washington State University extension energy program must establish and administer a technical assistance and education program focused on the use of alternative fuel vehicles. Education and assistance may be provided to public agencies, including local governments and other state political subdivisions.

Sec. 3. RCW 47.04.350 and 2015 3rd sp.s. c 44 s 403 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, the department's public-private partnership office must develop and maintain a ((pilot)) program to support the deployment of ((electric)) clean alternative fuel vehicle charging and refueling infrastructure that is supported by private financing.

(2) The department must define corridors in which bidders may propose to install electric vehicle charging infrastructure or hydrogen fueling stations, and may update these corridors over time as needed. Alternatively, a bidder may propose a corridor in which the bidder proposes to install electric vehicle infrastructure or hydrogen fueling stations if the department has adopted rules allowing such a proposal and establishing guidelines for how such a proposal will be considered.

(3)(a) For bid proposals under this section, the department must require the following:

(i) Bidders must have private sector partners contributing to the project who stand to gain indirect value from development of the project, such as motor vehicle manufacturers, retail stores, or tourism stakeholders;

(ii) Bidders must demonstrate that the proposed project will be valuable to ((electric)) clean alternative fuel vehicle drivers and will address an existing gap in the state's ((electric vehicle charging station)) low carbon transportation infrastructure;

(iii) Projects must be expected to be profitable and sustainable for the owner-operator and the private partner; and

(iv) Bidders must specify how the project captures the indirect value of charging or refueling station deployment to the private partner.

(b) The department may adopt rules that require any other criteria for a successful project.

(4) In evaluating proposals under this section, the department may use the electric vehicle financial analysis tool that was developed in the joint transportation committee's study into financing electric vehicle charging station infrastructure.

(5)(a) After selecting a successful proposer under this section, the department may provide a loan or grant to the proposer.

(b) Grants and loans issued under this subsection must be funded from the electric vehicle ((charging infrastructure)) account created in RCW 82.44.200.

(c) Any project selected for support under this section is eligible for only one grant or loan as a part of the ((pilot)) program.

(6) The department may conduct preliminary workshops with potential bidders and other potential private sector partners to determine the best method of designing and maintaining the ((pilot)) program, discuss how to develop and maintain the partnerships among the private sector partners that may receive indirect value, and any other issues relating to the implementation and administration of this section. The department should consider regional workshops to engage potential business partners from across the state.

(7) The department must adopt rules to implement and administer this section.

Sec. 4. 2019 c ... (SHB 1512) s 1 (uncodified) is amended to read as follows:

The legislature finds that:

(1) Programs for the electrification of transportation have the potential to allow electric utilities to optimize the use of electric grid infrastructure, improve the management of electric loads, and better manage the integration of variable renewable energy resources. Depending upon each utility's unique circumstances, electrification of transportation programs may provide cost-effective energy efficiency, through more efficient use of energy resources, and more efficient use of the electric delivery system. Electrification of transportation may result in cost savings and benefits for all ratepayers.

(2) State policy can achieve the greatest return on investment in reducing greenhouse gas emissions and improving air quality by expediting the transition to alternative fuel vehicles, including electric vehicles. Potential benefits associated with electrification of transportation include the monetization of environmental attributes associated with carbon reduction in the transportation sector.

(3) Legislative clarity is important for utilities to offer programs and services, including incentives, in the electrification of transportation for their customers. It is the intent of the legislature to allow all utilities to support transportation electrification to further the state's policy goals and achieve parity among all electric utilities, so each electric utility, depending on its unique circumstances, can determine its appropriate role in the development of electrification of transportation infrastructure.

Sec. 5. RCW 80.28.--- and 2019 c ... (SHB 1512) s 4 are each amended to read as follows:

(1) An electric utility regulated by the utilities and transportation commission under this chapter may submit to the commission an electrification of transportation plan that deploys electric vehicle supply equipment or provides other electric transportation programs, services, or incentives to support electrification of transportation ((; provided that such electric vehicle supply equipment, programs, or services may not increase costs to customers in excess of one quarter of one percent above the benefits of electric transportation to all customers over a period consistent with the utility's planning horizon under its most recent integrated resource plan)). The plans should align to a period consistent with either the utility's planning horizon under its most recent integrated resource plan or the time frame of the actions contemplated in the plan, and may include:

(a) Any programs that the utility is proposing contemporaneously with the plan filing or anticipates later in the plan period;

(b) Anticipated benefits of transportation electrification, based on a forecast of electric transportation in the utilities' service territory; and

(c) Anticipated costs of programs, subject to the restrictions in RCW 80.28.360.

(2) In reviewing an electrification of transportation plan under subsection (1) of this section, the commission may consider the following: (a) The applicability of multiple options for electrification of transportation across all customer classes; (b) the impact of electrification on the utility's load, and whether demand response or other load management opportunities, including direct load control and dynamic pricing, are operationally appropriate; (c) system reliability and distribution system efficiencies; (d) interoperability concerns, including the interoperability of hardware and software systems in electrification of transportation proposals; and (e) the benefits and costs of the planned actions~~((; and (f) the overall customer experience))~~.

(3) The commission must issue an acknowledgment of an electrification of transportation plan within six months of the submittal of the plan. The commission may establish by rule the requirements for preparation and submission of an electrification of transportation plan. An electric utility may submit a plan under this section before or during rule-making proceedings.

Sec. 6. RCW 80.28.360 and 2019 c ... (SHB 1512) s 5 are each amended to read as follows:

(1) In establishing rates for each electrical company regulated under this title, the commission may allow an incentive rate of return on investment through December 31, 2030, on capital expenditures for electric vehicle supply equipment that is deployed for the benefit of ratepayers, provided that the capital expenditures of the utilities' programs or plans in section 5(1) of this act do not increase ~~((costs to ratepayers))~~ the annual retail revenue requirement of the utility, after accounting for the benefits of transportation electrification in each year of the plan, in excess of one-quarter of one percent. The commission must consider and may adopt other policies to improve access to and promote fair competition in the provision of electric vehicle supply equipment.

(2) An incentive rate of return on investment under this section may be allowed only if the company chooses to pursue capital investment in electric vehicle supply equipment on a fully regulated basis similar to other capital investments behind a customer's meter. In the case of an incentive rate of return on investment allowed under this section, an increment of up to two percent must be added to the rate of return on common equity allowed on the company's other investments.

(3) The incentive rate of return on investment authorized in subsection (2) of this section applies only to projects which have been installed after July 1, 2015.

(4) The incentive rate of return on investment increment pursuant to this section may be earned only for a period up to the depreciable life of the electric vehicle supply equipment as defined in the depreciation schedules developed by the company and submitted to the commission for review. When the capital investment has fully depreciated, an electrical company may gift the electric vehicle supply equipment to the owner of the property on which it is located.

(5) By December 31, 2017, the commission must report to the appropriate committees of the legislature with regard to the use of any incentives allowed under this section, the quantifiable impacts of the incentives on actual electric vehicle deployment, and any recommendations to the legislature about utility participation in the electric vehicle market.

NEW SECTION. Sec. 7. This section is the tax preference performance statement for the tax preferences contained in sections 8 through 14, chapter . . . , Laws of 2019 (sections 8 through 14 of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of clean alternative fuel vehicles in Washington. It is the legislature's intent to establish and extend tax incentive programs for alternative fuel vehicles and related infrastructure by: (a) Reinstating the sales and use tax exemption on certain clean alternative fuel vehicles in order to reduce the price charged to customers for clean alternative fuel vehicles; (b) extending the business and occupation and public utility tax credit for clean alternative fuel commercial vehicles and expanding it to include clean alternative fuel infrastructure; (c) extending the sales and use tax exemption for electric vehicle batteries, fuel cells, and infrastructure and expanding it to include the electric battery and fuel cell components of electric buses and zero emissions buses; and (d) extending the leasehold excise tax exemption to tenants of public lands for battery and fuel cell electric vehicle infrastructure.

(3) To measure the effectiveness of the tax preferences in sections 8 through 14, chapter . . . , Laws of 2019 (sections 8 through 14 of this act) in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of clean alternative fuel vehicles titled in the state.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the department of licensing and the department of revenue must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

Sec. 8. RCW 82.04.4496 and 2017 c 116 s 1 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gross Vehicle Weight	Incremental Cost Amount	Maximum Credit Amount Per Vehicle	Maximum Annual Credit Per Vehicle Class
Up to 14,000 pounds	((50%)) 75% of incremental cost	\$25,000	\$2,000,000
14,001 to 26,500 pounds	((50%)) 75% of incremental cost	\$50,000	\$2,000,000
Above 26,500 pounds	((50%)) 75% of incremental cost	\$100,000	\$2,000,000

(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to fifty percent

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of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of two million dollars.

(b) On September 1st of each year, any unused credits from any ~~((weight class))~~ category identified in ~~((the table in))~~ (a) of this subsection must be made available to applicants applying for credits under any other ~~((weight class listed))~~ category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.16.0496 is subject to a maximum annual credit amount of six million dollars, and a maximum total credit amount of thirty-two and one-half million dollars since the credit became available on July 15, 2015.

(c) The credit provided in (a)(i) of this subsection ~~((+))~~ is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection ~~((+))~~ multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per ~~((vehicle class))~~ category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of twenty-five thousand dollars or ~~((thirty))~~ fifty percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed the lesser of two hundred fifty thousand dollars or twenty-five vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.16 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.16.0496, during any calendar year to exceed six million dollars. The department must provide notification on its web site monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.16.0496 to exceed thirty-two and one-half million dollars. The department must provide notification on its web site monthly on the total amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic

format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;

(iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;

(vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;

(vii) The gross weight of each vehicle for vehicle credits;

(viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and

(ix) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Within fifteen days of notice of credit availability from the department, provide notice of intent to claim the credit including:

(i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;

(ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit; ~~((and))~~

(iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(c) Provide final documentation within ~~((fifteen))~~ thirty days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:

(i) A copy of the final invoice for the vehicle or infrastructure-related items;

(ii) A copy of the factory build sheet or equivalent documentation;

(iii) The vehicle identification number of each vehicle;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) Attestations signed by both the seller and purchaser of each vehicle attesting that the incremental cost of the alternative fuel system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and

(vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply for multiple vehicles on the same application, but the application must include the required information for each vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single

application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

(a) Provide notification on its web site monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit ~~((is))~~ and total limit are reached;

(b) Within fifteen days of receipt of the application, notify persons applying of the availability of tax credits in the year in which the vehicles or infrastructure applied for are anticipated to be delivered, constructed, or installed;

(c) Within fifteen days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and

(d) Within fifteen days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.

(11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.

(12)(a) Taxpayers are only eligible for a credit under this section based on:

(i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel; ~~((or))~~

(ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or

(iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction or installation of alternative fuel vehicle infrastructure.

(b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.

(13) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.

(14)(a) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.

(15) The department must conduct outreach to interested parties to obtain input on how best to streamline the application process required for the credit made available in this section and RCW 82.16.0496 to further adoption of alternative fuel technologies in commercial vehicle fleets, and must incorporate the findings resulting from this outreach effort into the rules and practices it adopts to implement and administer this section and RCW 82.16.0496 to the extent permitted under law.

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

(a) "Alternative fuel vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support a clean alternative fuel vehicle.

(b) "Auto transportation company" means any corporation or person owning, controlling, operating, or managing any motor propelled vehicle, used in the business of transporting persons for compensation over public highways within the state of Washington, between fixed points or over a regular route. For the purposes of this section, "auto transportation company" also includes the following categories of providers irrespective of whether they provide service between fixed points or over a regular route: "Private, nonprofit transportation provider" as defined in RCW 81.66.010, "charter party carrier" as defined in RCW 81.70.020, and paratransit service providers who primarily provide special needs transportation to individuals with disabilities and the elderly.

~~((b))~~ (c) "Clean alternative fuel" means electricity, dimethyl ether, hydrogen, methane, natural gas, liquefied natural gas, compressed natural gas, or propane.

~~((c))~~ (d) "Commercial vehicle" means any commercial vehicle that is purchased by a private business and that is used exclusively in the provision of commercial services or the transportation of commodities, merchandise, produce, refuse, freight, animals, or passengers, and that is displaying a Washington state license plate. All commercial vehicles that provide transportation to passengers must be operated by an auto transportation company.

~~((d))~~ (e) "Gross capitalized cost" means the agreed upon value of the commercial vehicle and including any other items a person pays over the lease term that are included in such cost.

~~((e))~~ (f) "Lease reduction factor" means the vehicle gross capitalized cost less the residual value, divided by the gross capitalized cost.

~~((f))~~ (g) "Qualifying used commercial vehicle" means vehicles that:

(i) Have an odometer reading of less than four hundred fifty thousand miles;

(ii) Are less than ten years past their original date of manufacture;

(iii) Were modified after the initial purchase with a United States environmental protection agency certified conversion that would allow the propulsion units to be principally powered by a clean alternative fuel; and

(iv) Are being sold for the first time after modification.

~~((g))~~ (h) "Residual value" means the lease-end value of the vehicle as determined by the lessor, at the end of the lease term included in the lease contract.

~~((h))~~ (17) Credits may be earned under this section from January 1, 2016, ~~((through January 1, 2021))~~ until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, ~~((through January 1, 2021))~~ until the maximum total credit amount in subsection (1)(b) of this section is reached.

~~((17) Credits earned under this section may not be used after January 1, 2022.~~

~~((18) This section expires January 1, 2022.))~~

NEW SECTION. Sec. 9. A new section is added to chapter 82.08 RCW to read as follows:

(1) Beginning August 1, 2019, with sales made or lease agreements signed on or after the qualification period start date:

(a) The tax levied by RCW 82.08.020 does not apply as provided in (b) of this subsection to sales or leases of new or used passenger cars, light duty trucks, and medium duty passenger vehicles that:

(i) Are exclusively powered by a clean alternative fuel; or

(ii) Use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are

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capable of traveling at least thirty miles using only battery power; and

(iii)(A) Have a vehicle selling price plus trade-in property of like kind for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed forty-five thousand dollars; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed thirty thousand dollars; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed forty-five thousand dollars; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed thirty thousand dollars;

(b)(i) The exemption in this section is applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's selling price, for sales made; or

(B) The total lease payments made plus any additional selling price of the leased vehicle if the original lessee purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is twenty-five thousand dollars;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is twenty thousand dollars;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is fifteen thousand dollars.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is sixteen thousand dollars.

(2) The seller must keep records necessary for the department to verify eligibility under this section. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; sales price for purchased vehicles and fair market value at the inception of the lease for leased vehicles; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(3)(a) The department of licensing must maintain and publish a list of all vehicle models qualifying for the tax exemptions under this section or section 10 of this act until the expiration date of this section, and is authorized to issue final rulings on vehicle model qualification for these criteria. A seller is not responsible for repayment of the tax exemption under this section and section 10 of this act for a vehicle if the department of licensing's published list of qualifying vehicle models on the purchase date or the date the lease agreement was signed includes the vehicle model and the department of licensing subsequently removes the

vehicle model from the published list, and, if applicable, the vehicle meets the qualifying criterion under subsection (1)(a)(iii)(B) of this section and section 10(1)(a)(iii)(B) of this act.

(b) The department of revenue retains responsibility for determining whether a vehicle meets the applicable qualifying criterion under subsection (1)(a)(iii)(B) of this section and section 10(1)(a)(iii)(B) of this act.

(4) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(5) By the last day of October 2019, and every six months thereafter until this section expires, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of vehicles that qualified for the exemption under this section and section 10 of this act by month of purchase or lease start and vehicle make and model; the dollar amount of all state retail sales and use taxes exempted on or after the qualification period start date, under this section and section 10 of this act; and estimates of the future costs of leased vehicles that qualified for the exemption under this section and section 10 of this act.

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

(a) "Clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California motor vehicle emission standards in Title 13 of the California Code of Regulations, effective January 1, 2019, and the rules of the Washington state department of ecology.

(b) "Fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

(c) "New vehicle" has the same meaning as "new motor vehicle" in RCW 46.04.358.

(d) "Qualification period end date" means August 1, 2025.

(e) "Qualification period start date" means the effective date of this section.

(f) "Used vehicle" has the same meaning as in RCW 46.04.660.

(7)(a) Sales of vehicles delivered to the buyer or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before the expiration date of this section.

(8) This section expires August 1, 2028.

(9) This section is supported by the revenues generated in section 23 of this act, and therefore takes effect only if section 23 of this act is enacted by June 30, 2019.

NEW SECTION. Sec. 10. A new section is added to chapter 82.12 RCW to read as follows:

(1) Beginning August 1, 2019, beginning with sales made or lease agreements signed on or after the qualification period start date:

(a) The provisions of this chapter do not apply as provided in (b) of this subsection in respect to the use of new or used

passenger cars, light duty trucks, and medium duty passenger vehicles that:

(i) Are exclusively powered by a clean alternative fuel; or
 (ii) Use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power; and

(iii)(A) Have a fair market value at the time use tax is imposed for purchased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed forty-five thousand dollars; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed thirty thousand dollars; or

(B) Have a fair market value at the inception of the lease for leased vehicles that:

(I) For a vehicle that is a new vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed forty-five thousand dollars; or

(II) For a vehicle that is a used vehicle at the time of the purchase date or the date the lease agreement was signed, does not exceed thirty thousand dollars;

(b)(i) The exemption in this section is only applicable for up to the amounts specified in (b)(ii) or (iii) of this subsection of:

(A) The total amount of the vehicle's purchase price, for sales made; or

(B) The total lease payments made plus any additional purchase price of the leased vehicle if the original lessee purchases the leased vehicle before the qualification period end date, for lease agreements signed.

(ii) Based on the purchase date or the date the lease agreement was signed of the vehicle if the vehicle is a new vehicle at the time of the purchase date or the date the lease agreement was signed:

(A) From the qualification period start date until July 31, 2021, the maximum amount eligible under (b)(i) of this subsection is twenty-five thousand dollars;

(B) From August 1, 2021, until July 31, 2023, the maximum amount eligible under (b)(i) of this subsection is twenty thousand dollars;

(C) From August 1, 2023, until July 31, 2025, the maximum amount eligible under (b)(i) of this subsection is fifteen thousand dollars.

(iii) If the vehicle is a used vehicle at the time of the purchase date or the date the lease agreement was signed, the maximum amount eligible under (b)(i) of this subsection is sixteen thousand dollars.

(2)(a) The seller must keep records necessary for the department to verify eligibility under this section, except as provided in (b) of this subsection. A person claiming the exemption must also submit itemized information to the department for all vehicles for which an exemption is claimed that must include the following: Vehicle make; vehicle model; model year; whether the vehicle has been sold or leased; date of sale or start date of lease; length of lease; fair market value of the vehicle; and the total amount qualifying for the incentive claimed for each vehicle, in addition to the future monthly amount to be claimed for each leased vehicle. This information must be provided in a form and manner prescribed by the department.

(b) (a) of this subsection applies only if the seller or person claiming the exemption is a vehicle dealer, as defined under RCW 46.70.011. When the seller is not a vehicle dealer, the department of licensing must establish a process for granting the tax exemption under this section for use tax otherwise collected at the time the ownership of a vehicle is transferred when the vehicle

qualifies for the use tax exemption under subsection (1)(a) of this section, and must provide any information required under (a) of this subsection that it obtains as part of the vehicle titling and registration process for these vehicles to the department on at least a quarterly basis.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the electric vehicle account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data.

(4)(a) Vehicles purchased or leased vehicles for which the lease agreement was signed after the qualification period end date do not qualify for the exemption under this section.

(b) All leased vehicles that qualified for the exemption under this section before the qualification period end date must continue to receive the exemption as described under subsection (1)(b) of this section on any lease payments due through the remainder of the lease before August 1, 2028.

(5) The definitions in section 9 of this act apply to this section.

(6) This section is supported by the revenues generated in section 23 of this act, and therefore takes effect only if section 23 of this act is enacted by June 30, 2019.

(7) This section expires August 1, 2028.

Sec. 11. RCW 82.08.816 and 2009 c 459 s 4 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries or fuel cells for electric vehicles, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure, including hydrogen fueling stations; (and)

(d) The sale of tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(e) The sale of zero emissions buses.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption (~~(certification)~~) certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by

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chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support ~~((and))~~ a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, ~~((and))~~ battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

~~((4))~~ (e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

(5) This section expires ~~((January 1, 2020))~~ July 1, 2025.

Sec. 12. RCW 82.12.816 and 2009 c 459 s 5 are each amended to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries or fuel cells, including batteries or fuel cells sold as a component of an electric bus at the time of the vehicle's sale;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries or fuel cells; ~~((and))~~

(c) Tangible personal property that will become a component of battery or fuel cell electric vehicle infrastructure during the course of installing, constructing, repairing, or improving battery or fuel cell electric vehicle infrastructure; and

(d) Zero emissions buses.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support

~~((and))~~ a battery or fuel cell electric vehicle, including battery charging stations, rapid charging stations, ~~((and))~~ battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for the energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(g) "Zero emissions bus" means a bus that emits no exhaust gas from the onboard source of power, other than water vapor.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(4) This section expires ~~((January 1, 2020))~~ July 1, 2025.

Sec. 13. RCW 82.16.0496 and 2017 c 116 s 2 are each amended to read as follows:

(1)(a)(i) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter according to the gross vehicle weight rating of the vehicle and the incremental cost of the vehicle purchased above the purchase price of a comparable conventionally fueled vehicle. The credit is limited, as set forth in the table below, to the lesser of the incremental cost amount or the maximum credit amount per vehicle purchased, and subject to a maximum annual credit amount per vehicle class.

Gross Vehicle Weight	Incremental Cost Amount	Maximum Credit Amount Per Vehicle	Maximum Annual Credit Per Vehicle Class
Up to 14,000 pounds	((50%)) 75% of incremental cost	\$25,000	\$2,000,000
14,001 to 26,500 pounds	((50%)) 75% of incremental cost	\$50,000	\$2,000,000
Above 26,500 pounds	((50%)) 75% of incremental cost	\$100,000	\$2,000,000

(ii) A person who is taxable under this chapter is allowed a credit against the tax imposed in this chapter for up to fifty percent of the cost to purchase alternative fuel vehicle infrastructure, tangible personal property that will become a component of alternative fuel vehicle infrastructure, and installation and construction of alternative fuel vehicle infrastructure, but excluding the cost of property acquisition and site improvement related to the installation of alternative fuel vehicle infrastructure. The credit is subject to a maximum annual credit amount of two million dollars.

(b) On September 1st of each year, any unused credits from any ~~((weight class))~~ category identified in ((the table in)) (a) of this subsection must be made available to applicants applying for credits under any other ~~((weight class listed))~~ category identified in (a) of this subsection, subject to the maximum annual and total credit amounts identified in this subsection. The credit established in this section and RCW 82.04.4496 is subject to a maximum annual credit amount of six million dollars, and a maximum total credit amount of thirty-two and one-half million dollars beginning July 15, 2015.

(c) The credit provided in (a)(i) of this subsection ((+)) is available for the lease of a vehicle. The credit amount for a leased vehicle is equal to the credit in (a)(i) of this subsection ((+)) multiplied by the lease reduction factor. The person claiming the credit for a leased vehicle must be the lessee as identified in the lease contract.

(2) A person who is taxable under this chapter is allowed, subject to the maximum annual credit per ~~((vehicle class))~~ category in subsection (1)(a) of this section, a credit against the tax imposed in this chapter for the lesser of twenty-five thousand dollars or ~~((thirty))~~ fifty percent of the costs of converting a commercial vehicle to be principally powered by a clean alternative fuel with a United States environmental protection agency certified conversion.

(3) The total credits under subsection (1)(a)(i) of this section may not exceed the lesser of two hundred fifty thousand dollars or twenty-five vehicles per person per calendar year.

(4) A person may not receive credit under this section for amounts claimed as credits under chapter 82.04 RCW.

(5) Credits are available on a first-in-time basis.

(a) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed under this section, and RCW 82.04.4496, during any calendar year to exceed six million dollars. The department must provide notification on its web site monthly on the amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide annual limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(b) The department must disallow any credits, or portion thereof, that would cause the total amount of credits claimed beginning July 15, 2015, under this section and RCW 82.04.4496 to exceed thirty-two and one-half million dollars. The department must provide notification on its web site monthly on the total amount of credits that have been applied for, the amount issued, and the amount remaining before the statewide limit is reached. In addition, the department must provide written notice to any person who has applied to claim tax credits in excess of the limitation in this subsection.

(6) For the purposes of the limits provided in this section, a credit must be counted against such limits for the calendar year in which the credit is earned.

(7) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. No refunds may be granted for credits under this section.

(8) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) A quote or unexecuted copy of the purchase requisition or order for the vehicle, infrastructure, infrastructure components, infrastructure construction, or infrastructure installation;

(iii) The type of alternative fuel to be used by the vehicle or supported by the infrastructure;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) The anticipated delivery date of the vehicle, the anticipated delivery date of the infrastructure or infrastructure components, the anticipated construction completion date of the infrastructure, or the anticipated installation completion date of the infrastructure;

(vi) The estimated annual fuel use of the vehicle in the anticipated duties or the estimated annual fuel to be supplied by the infrastructure;

(vii) The gross weight of each vehicle for vehicle credits;

(viii) For leased vehicles, a copy of the lease contract that includes the gross capitalized cost, residual value, and name of the lessee; and

(ix) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Within fifteen days of notice of credit availability from the department, provide notice of intent to claim the credit including:

(i) A copy of the order for the vehicle or infrastructure-related item, including the total cost for the vehicle or infrastructure-related item;

(ii) The anticipated delivery date of the vehicle or infrastructure or infrastructure component, which must be within one year of acceptance of the credit; ((and))

(iii) The anticipated construction or installation completion date of the infrastructure, which must be within two years of acceptance of the credit; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(c) Provide final documentation within ~~((fifteen))~~ thirty days of receipt of the vehicle or infrastructure or infrastructure components or of completion of construction or installation of the infrastructure, including:

(i) A copy of the final invoice for the vehicle or infrastructure-related items;

(ii) A copy of the factory build sheet or equivalent documentation;

(iii) The vehicle identification number of each vehicle;

(iv) The incremental cost of the alternative fuel system for vehicle credits;

(v) Attestations signed by both the seller and purchaser of the vehicle attesting that the incremental cost of the alternative fuel system includes only the costs necessary for the vehicle to run on alternative fuel and no other vehicle options, equipment, or costs; and

(vi) Any other information deemed necessary by the department to support administration or reporting of the program.

(9) A person applying for credit under subsection (8) of this section may apply for multiple vehicles on the same application, but the application must include the required information for each vehicle included in the application. A separate application is required for infrastructure-related items, but all infrastructure-related items at a single location may be included in a single application provided the required information for each infrastructure-related item is included in the application.

(10) To administer the credits, the department must, at a minimum:

(a) Provide notification on its web site monthly of the amount of credits that have been applied for, claimed, and the amount remaining before the statewide annual limit ~~((is))~~ and total limit are reached;

(b) Within fifteen days of receipt of the application, notify persons applying of the availability of tax credits in the year in

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which the vehicles or infrastructure applied for are anticipated to be delivered, constructed, or installed;

(c) Within fifteen days of receipt of the notice of intent to claim the tax credit, notify the applicant of the approval, denial, or missing information in their notice; and

(d) Within fifteen days of receipt of final documentation, review the documentation and notify the person applying of the acceptance of their final documentation.

(11) If a person fails to supply the information as required in subsection (8) of this section, the department must deny the application.

(12)(a) Taxpayers are only eligible for a credit under this section based on:

(i) Sales or leases of new commercial vehicles and qualifying used commercial vehicles with propulsion units that are principally powered by a clean alternative fuel; ~~((or))~~

(ii) Costs to modify a commercial vehicle, including sales of tangible personal property incorporated into the vehicle and labor or service expenses incurred in modifying the vehicle, to be principally powered by a clean alternative fuel; or

(iii) Sales of alternative fuel vehicle infrastructure or infrastructure components, or the cost of construction or installation of alternative fuel vehicle infrastructure.

(b) A credit is earned when the purchaser or the lessee takes receipt of the qualifying commercial vehicle or infrastructure-related item, the vehicle conversion is complete, or the construction or installation of the infrastructure is complete.

(13) The definitions in RCW 82.04.4496 apply to this section.

(14) A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year.

(15)(a) Beginning November 25, 2015, and on the 25th of February, May, August, and November of each year thereafter, the department must notify the state treasurer of the amount of credits taken under this section as reported on returns filed with the department during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, must transfer a sum equal to the dollar amount of the credit provided under this section from the multimodal transportation account to the general fund.

(16) Credits may be earned under this section from January 1, 2016, ~~((through January 1, 2021))~~ until the maximum total credit amount in subsection (1)(b) of this section is reached, except for credits for leased vehicles, which may be earned from July 1, 2016, ~~((through January 1, 2021))~~ until the maximum total credit amount in subsection (1)(b) of this section is reached.

~~((17) Credits earned under this section may not be used after January 1, 2022.~~

~~((18) This section expires January 1, 2022.))~~

Sec. 14. RCW 82.29A.125 and 2009 c 459 s 3 are each amended to read as follows:

(1) Leasehold excise tax may not be imposed on leases to tenants of public lands for purposes of installing, maintaining, and operating electric vehicle infrastructure.

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

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, ~~((and))~~ battery exchange stations, fueling stations that provide hydrogen for fuel cell electric vehicles, and renewable hydrogen production facilities.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(e) "Renewable hydrogen" means hydrogen produced using renewable resources both as the source for hydrogen and the source for energy input into the production process.

(f) "Renewable resource" means (i) water; (ii) wind; (iii) solar energy; (iv) geothermal energy; (v) renewable natural gas; (vi) renewable hydrogen; (vii) wave, ocean, or tidal power; (viii) biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or (ix) biomass energy.

(3) This section expires ~~((January 1, 2020))~~ July 1, 2025.

Sec. 15. RCW 82.44.200 and 2015 3rd sp.s. c 44 s 404 are each amended to read as follows:

The electric vehicle ~~((charging infrastructure))~~ account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, sections 9 and 10 of this act, and the support of other transportation electrification and alternative fuel related purposes. Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec. 16.** A new section is added to chapter 47.04 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, the department's public-private partnership office must develop a pilot program to support clean alternative fuel car sharing programs to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Nonprofit organizations or local governments, including housing authorities, with a demonstrated history of managing or implementing low-income transportation clean alternative fuel and shared mobility pilot programs are eligible to participate in this program.

(2) The department must determine specific eligibility criteria, based on the requirements of this section, the report submitted to the legislature by the Puget Sound clean air agency entitled facilitating low-income utilization of electric vehicles, and other factors relevant to increasing clean alternative fuel vehicle use in underserved and low to moderate income communities. The department may adopt rules specifying the eligibility criteria it selects.

(3) The department may conduct preliminary workshops with potential bidders and other potential partners to determine the best method of designing the pilot program.

(4) The department must include the following elements in its proposal evaluation and scoring methodology: History of successful management of equity focused clean alternative fuel vehicle projects; substantial level of involvement from community-based, equity focused organizations in the project; plan for long-term financial sustainability of the work beyond the duration of the grant period; matching resources leveraged for the project; and geographical diversity of the projects selected.

(5) After selecting successful proposals under this section, the department may provide grant funding to them. The total grant amount available per project may range from fifty thousand to two hundred thousand dollars. The grant opportunity must include possible funding of vehicles, charging or refueling station infrastructure, staff time, and any other expenses required to implement the project. No more than ten percent of grant funds may be used for administrative expenses.

(6)(a) Any property acquired with state grant funding under this section by nongovernmental participants must be used solely for program purposes and, if sold, the proceeds of the sale must be used solely for program purposes.

(b) At the termination of a program for providing alternative fuel car sharing services, the state must be reimbursed for any property acquired with state grant funding under this section that nongovernmental participants in the program retain at the time of program termination. The amount of reimbursement may under no circumstances be less than the fair market value of the property at the time of the termination of the program.

NEW SECTION. Sec. 17. (1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce must conduct a study to identify opportunities to reduce barriers to battery and fuel cell electric vehicle adoption by lower income residents of the state through the use of vehicle and infrastructure financing assistance. The study must include an assessment of opportunities to work with nonprofit lenders to facilitate vehicle purchases through the use of loan-loss reserves and rate buy downs by qualified borrowers purchasing battery and fuel cell electric vehicles that are eligible for the tax exemptions under sections 9 and 10 of this act, and may address additional financing assistance opportunities identified. The study must focus on potential borrowers who are at or below eighty percent of the state median household income. The study may also address any additional opportunities identified to increase electric vehicle adoption by lower income residents of the state.

(2) The department of commerce must provide a report detailing the findings of this study to the transportation committees of the legislature by June 30, 2020, and may contract with a consultant on all or a portion of the study.

NEW SECTION. Sec. 18. A new section is added to chapter 47.66 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose through the 2023-2025 biennium, the department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting

funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to twenty percent of the total cost of the project.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

Sec. 19. RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and 2018 c 203 s 14 are each reenacted and amended to read as follows:

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

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

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of licensing tuition recovery trust fund, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle (~~charging infrastructure~~) account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan

revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the statewide tourism marketing account, the student achievement council tuition recovery trust fund, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

NEW SECTION. Sec. 20. This section is the tax preference performance statement for the tax preferences contained in sections 21 and 22, chapter . . . , Laws of 2019 (sections 21 and 22 of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preferences as ones intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of electric vessels in Washington. It is the legislature's intent to establish a sales and use tax exemption on certain electric vessels in order to reduce the price charged to customers for electric vessels.

(3) To measure the effectiveness of the tax preferences in sections 21 and 22, chapter . . . , Laws of 2019 (sections 21 and 22 of this act) in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of electric vessels titled in the state.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the department of licensing and the department of revenue must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

NEW SECTION. Sec. 21. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of new battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts.

(b) The sale of new vessels equipped with propulsion systems that qualify under (a) of this subsection.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(4) For the purposes of this section:

(a) "Battery-powered electric marine propulsion system" means a fully electric outboard or inboard motor used by vessels, the sole source of propulsive power of which is the energy stored in the battery packs. The term includes required accessories, such as throttles, displays, and battery packs; and

(b) "Vessel" includes every watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(5) This section expires July 1, 2025.

NEW SECTION. Sec. 22. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) New battery-powered electric marine propulsion systems with continuous power greater than fifteen kilowatts; and

(b) New vessels equipped with propulsion systems that qualify under (a) of this subsection.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns.

(4) For the purposes of this section, "battery-powered electric marine propulsion system" and "vessel" have the same meanings as provided in section 22 of this act.

(5) This section expires July 1, 2025.

NEW SECTION. Sec. 23. A new section is added to chapter 46.17 RCW to read as follows:

To realize the environmental benefits of electrification of the transportation system it is necessary to support the adoption of electric vehicles and other electric technology in the state by incentivizing the purchase of these vehicles, building out the charging infrastructure, developing greener transit options, and supporting clean alternative fuel infrastructure. Therefore, it is the intent of the legislature to support these activities through the imposition of new transportation electrification fees in this section.

(1) A vehicle that both (a) uses at least one method of propulsion that is capable of being reenergized by an external source of electricity and (b) is capable of traveling at least thirty miles using only battery power, is subject to an annual seventy-five dollar transportation electrification fee to be collected by the department, county auditor, or other agent or subagent appointed by the director, in addition to any other fees and taxes required by law. For administrative efficiencies, the transportation electrification fee must be collected at the same time as vehicle registration renewals and may only be collected for vehicles that are renewing an annual vehicle registration.

(2) Beginning October 1, 2019, in lieu of the fee in subsection (1) of this section for a electric or alternative fuel vehicle that is not required to pay the fees established in RCW 46.17.323 (1) and (4), the department, county auditor, or other agent or subagent appointed by the director must require that the applicant for the annual vehicle registration renewal of such electric or alternative fuel vehicle pay a seventy-five dollar hybrid vehicle transportation electrification fee, in addition to any other fees and taxes required by law.

(3) The fees required under this section must be deposited in the electric vehicle account created in RCW 82.44.200, until July 1, 2025, when the fee must be deposited in the motor vehicle account.

NEW SECTION. Sec. 24. Sections 1 through 7, 12, and 14 through 23 of this act take effect August 1, 2019.

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NEW SECTION. Sec. 25. Sections 8 and 13 of this act take effect January 1, 2020."

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "amending RCW 28B.30.903, 47.04.350, 80.28.---, 80.28.360, 82.04.4496, 82.08.816, 82.12.816, 82.16.0496, 82.29A.125, and 82.44.200; amending 2019 c ... (SHB 1512) s 1 (uncodified); reenacting and amending RCW 43.84.092; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.66 RCW; adding a new section to chapter 46.17 RCW; creating new sections; providing effective dates; providing contingent effective dates; and providing expiration dates."

MOTION

Senator Warnick moved that the following amendment no. 839 by Senator Warnick be adopted:

On page 39, line 16, after "annual" strike "seventy-five" and insert "fifty"

Senator Warnick spoke in favor of adoption of the amendment to the striking amendment.

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 839 by Senator Warnick on page 39, line 16 to striking amendment no. 832.

The motion by Senator Warnick did not carry and amendment no. 839 was not adopted by voice vote.

MOTION

Senator Saldaña moved that the following amendment no. 890 by Senators King and Saldaña be adopted:

On page 39, line 25 of the amendment, after "for a" strike "electric" and insert "hybrid"

On page 39, line 29 of the amendment, after "such" strike "electric" and insert "hybrid"

On page 39, after line 35 of the amendment, insert
 "(4) This section only applies to a vehicle that is designed to have the capability to drive at a speed of more than thirty-five miles per hour."

Correct any internal references accordingly.

Senators Saldaña and King spoke in favor of adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 890 by Senators King and Saldaña on page 39, line 25 to striking amendment no. 832.

The motion by Senator Saldaña carried and amendment no. 890 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 832 by Senators Saldaña, Hobbs and King as amended to Engrossed Second Substitute House Bill No. 2042.

The motion by Senator Saldaña carried and striking amendment no. 832 as amended was adopted by voice vote.

MOTION

On motion of Senator Saldaña, the rules were suspended, Engrossed Second Substitute House Bill No. 2042 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Fortunato, Honeyford and Mullet spoke against passage of the bill.

Vice President Pro Tempore Conway assumed the chair.

The Vice President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2042 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2042 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rivers, Saldaña, Salomon, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hasegawa, Holy, Honeyford, Mullet, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner and Wilson, L.

Excused: Senator Rolfes

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2042, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5290. Under suspension of the rules, the bill was returned to second reading for the purposes of amendment(s). The House adopted the following amendment(s): 5290-S2.E AMH SENN H3195.2, and passed the bill as amended by the House.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that it is a goal of our state to divert juveniles who have committed status offenses, behaviors that are prohibited under law only because of an individual's status as a minor, away from the juvenile justice system because a stay in detention is a predictive factor for future criminal justice system involvement. The legislature finds that Washington has been using the valid court order exception of the juvenile justice and delinquency prevention act, a loophole in federal law allowing judges to detain status offenders for disobeying court orders, more than any other state in the country.

The legislature finds that use of the valid court order exception to detain youth for acts like truancy, breaking curfew, or running away from home is counterproductive and may worsen outcomes for at-risk youth.

(2) The legislature further finds that these youth should not be confined with or treated with the same interventions as criminal offenders. The legislature also finds that studies show a disproportionality in race, gender, and socioeconomic status of youth referred to courts or detained, or both. Likewise, the legislature finds that community-based interventions are more effective at addressing underlying causes of status offenses than detention and can reduce court caseloads and lower system costs. As a result, it is the intent of the legislature to strengthen and fund community-based programs that are culturally relevant and focus on addressing disproportionality of youth of color, especially at-risk youth.

(3) The legislature finds that appropriate interventions may include secure, semi-secure, and nonsecure out-of-home placement options, community-based mentoring, counseling, family reconciliation, behavioral health services, and other services designed to support youth and families in crisis and to prevent the need for out-of-home placement. The legislature recognizes that in certain circumstances, a court may find pursuant to this act that less restrictive alternatives to secure confinement are not available or appropriate and that clear, cogent, and convincing evidence requires commitment to a secure residential program with intensive wraparound services. The legislature intends to expand the availability of such interventions statewide by July 1, 2023.

NEW SECTION. Sec. 2. A new section is added to chapter 7.21 RCW to read as follows:

(1) It is the policy of the state of Washington to eliminate the use of juvenile detention as a remedy for contempt of a valid court order for youth under chapters 13.34 and 28A.225 RCW and child in need of services petition youth under chapter 13.32A RCW.

(a) Beginning July 1, 2020, youth may not be committed to juvenile detention as a contempt sanction under chapter 13.34 RCW, and a warrant may not be issued for such youth for failure to appear at a court hearing that requires commitment of such youth to juvenile detention.

(b) Beginning July 1, 2020, youth may not be committed to juvenile detention as a contempt sanction for child in need of services proceedings under chapter 13.32A RCW, and a warrant may not be issued for such youth for failure to appear at a court hearing that requires commitment of such youth to juvenile detention.

(c) Beginning July 1, 2021, youth may not be committed to juvenile detention as a contempt sanction for truancy proceedings under chapter 28A.225 RCW, and a warrant may not be issued for such youth for failure to appear at a court hearing that requires commitment of such youth to juvenile detention.

(2)(a) It is also the policy of the state of Washington to entirely phase out the use of juvenile detention as a remedy for contempt of a valid court order for at-risk youth under chapter 13.32A RCW by July 1, 2023. After this date, at-risk youth may not be committed to juvenile detention as a contempt sanction under chapter 13.32A RCW, and a warrant may not be issued for failure to appear at a court hearing that requires commitment of the at-risk youth to juvenile detention.

(b) Until July 1, 2023, any at-risk youth committed to juvenile detention as a sanction for contempt under chapter 13.32A RCW, or for failure to appear at a court hearing under chapter 13.32A RCW, must be detained in such a manner so that no direct communication or physical contact may be made between the youth and any youth who is detained to juvenile detention

pursuant to a violation of criminal law, unless these separation requirements would result in a youth being detained in solitary confinement.

(c) After July 1, 2023, at-risk youth may be committed to a secure residential program with intensive wraparound services, subject to the requirements under RCW 13.32A.250, as a remedial sanction for contempt under chapter 13.32A RCW or for failure to appear at a court hearing under chapter 13.32A RCW.

Sec. 3. RCW 7.21.030 and 2001 c 260 s 6 are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has did not carry or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e)(i) In cases under chapters 13.32A, 13.34, and 28A.225 RCW and subject to the requirements under RCW 13.32A.250 and 28A.225.090, commitment to juvenile detention for a period of time not to exceed ~~(seven days)~~ seventy-two hours, excluding Saturdays, Sundays, and holidays. 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. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction.

(ii) Prior to committing any youth to juvenile detention as a sanction for contempt under chapter 13.32A, 13.34, or 28A.225 RCW, or for failure to appear at a court hearing under chapter 13.32A, 13.34, or 28A.225 RCW, the court must:

(A) Consider, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;

(B) Enter written findings affirming that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;

(C) Afford the same due process considerations that it affords all youth in criminal contempt proceedings; and

(D) Seek input from all relevant parties, including the youth.

(iii) Detention periods for youth sanctioned to juvenile detention for contempt under chapter 13.32A, 13.34, or 28A.225 RCW, or for failure to appear at a court hearing under chapter 13.32A, 13.34, or 28A.225 RCW, shall be:

(A) No more than seventy-two hours, regardless of the number of violations being considered at the hearing; and

(B) Limited to no more than two sanctions, up to seventy-two hours each, in any thirty-day period.

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(iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250, 13.34.165, or 28A.225.090 shall be construed to limit the court's inherent contempt power or curtail its exercise.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days.

Sec. 4. RCW 7.21.030 and 2019 c ... s 3 (section 3 of this act) are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has did not carry or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e)(i) In at-risk youth petition cases only under chapter 13.32A(~~(-13.34,))~~ RCW and in cases under chapter 28A.225 RCW and subject to the requirements under RCW 13.32A.250 and 28A.225.090, commitment to juvenile detention for a period of time not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays. 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. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction.

(ii) Prior to committing any youth to juvenile detention as a sanction for contempt in at-risk youth petition cases only under chapter 13.32A(~~(-13.34,))~~ RCW or for cases under chapter 28A.225 RCW, or for failure to appear at a court hearing in at-risk youth petition cases only under chapter 13.32A(~~(-13.34,))~~ RCW or for cases under chapter 28A.225 RCW, the court must:

(A) Consider, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;

(B) Enter written findings affirming that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;

(C) Afford the same due process considerations that it affords all youth in criminal contempt proceedings; and

(D) Seek input from all relevant parties, including the youth.

(iii) Detention periods for youth sanctioned to juvenile detention for contempt in at-risk youth petition cases only under chapter 13.32A(~~(-13.34,))~~ RCW or for cases under chapter 28A.225 RCW, or for failure to appear at a court hearing in at-risk youth petition cases only under chapter 13.32A(~~(-13.34,))~~ RCW or for cases under chapter 28A.225 RCW, shall be:

(A) No more than seventy-two hours, regardless of the number of violations being considered at the hearing; and

(B) Limited to no more than two sanctions, up to seventy-two hours each, in any thirty-day period.

(iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250, 13.34.165, or 28A.225.090 shall be construed to limit the court's inherent contempt power or curtail its exercise.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days.

Sec. 5. RCW 7.21.030 and 2019 c ... s 4 (section 4 of this act) are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has did not carry or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e)(i) In at-risk youth petition cases only under chapter 13.32A RCW (~~and in cases under chapter 28A.225 RCW~~) and subject to the requirements under RCW 13.32A.250 (~~and 28A.225.090~~), commitment to juvenile detention for a period of time not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays. 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. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction.

(ii) Prior to committing any youth to juvenile detention as a sanction for contempt in at-risk youth petition cases only under chapter 13.32A RCW (~~or for cases under chapter 28A.225 RCW~~), or for failure to appear at a court hearing in at-risk youth

petition cases only under chapter 13.32A RCW (~~or for cases under chapter 28A.225 RCW~~), the court must:

(A) Consider, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;

(B) Enter written findings affirming that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;

(C) Afford the same due process considerations that it affords all youth in criminal contempt proceedings; and

(D) Seek input from all relevant parties, including the youth.

(iii) Detention periods for youth sanctioned to juvenile detention for contempt in at-risk youth petition cases only under chapter 13.32A RCW (~~or for cases under chapter 28A.225 RCW~~), or for failure to appear at a court hearing in at-risk youth petition cases only under chapter 13.32A RCW (~~or for cases under chapter 28A.225 RCW~~), shall be:

(A) No more than seventy-two hours, regardless of the number of violations being considered at the hearing; and

(B) Limited to no more than two sanctions, up to seventy-two hours each, in any thirty-day period.

(iv) Nothing in this subsection (2)(e) or in RCW 13.32A.250, 13.34.165, or 28A.225.090 shall be construed to limit the court's inherent contempt power or curtail its exercise.

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days.

Sec. 6. RCW 7.21.030 and 2019 c ... s 5 (section 5 of this act) are each amended to read as follows:

(1) The court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of a person aggrieved by a contempt of court in the proceeding to which the contempt is related. Except as provided in RCW 7.21.050, the court, after notice and hearing, may impose a remedial sanction authorized by this chapter.

(2) If the court finds that the person has did not carry or refused to perform an act that is yet within the person's power to perform, the court may find the person in contempt of court and impose one or more of the following remedial sanctions:

(a) Imprisonment if the contempt of court is of a type defined in RCW 7.21.010(1) (b) through (d). The imprisonment may extend only so long as it serves a coercive purpose.

(b) A forfeiture not to exceed two thousand dollars for each day the contempt of court continues.

(c) An order designed to ensure compliance with a prior order of the court.

(d) Any other remedial sanction other than the sanctions specified in (a) through (c) of this subsection if the court expressly finds that those sanctions would be ineffectual to terminate a continuing contempt of court.

(e)(i) In at-risk youth petition cases only under chapter 13.32A RCW and subject to the requirements under RCW 13.32A.250, commitment to (~~juvenile detention for a period of time not to exceed seventy-two hours, excluding Saturdays, Sundays, and holidays. 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. This sanction may be imposed in addition to, or as an alternative to, any other remedial sanction authorized by this chapter. This remedy is specifically determined to be a remedial sanction~~) a secure residential program with intensive wraparound services.

(ii) Beginning July 1, 2023, prior to committing any youth to (~~juvenile detention~~) a secure residential program with intensive wraparound services as a sanction for contempt in at-risk youth petition cases only under chapter 13.32A RCW, or for failure to appear at a court hearing in at-risk youth petition cases only under chapter 13.32A RCW, the court must:

(A) Consider, on the record, the mitigating and aggravating factors used to determine the appropriateness of detention for enforcement of its order;

(B) Enter written findings affirming that it considered all less restrictive options, that detention is the only appropriate alternative, including its rationale and the clear, cogent, and convincing evidence used to enforce the order;

(C) Afford the same due process considerations that it affords all youth in criminal contempt proceedings; and

(D) Seek input from all relevant parties, including the youth.

(iii) (~~Detention periods for youth sanctioned to juvenile detention for contempt in at-risk youth petition cases only under chapter 13.32A RCW, or for failure to appear at a court hearing in at-risk youth petition cases only under chapter 13.32A RCW, shall be:~~

~~(A) No more than seventy-two hours, regardless of the number of violations being considered at the hearing; and~~

~~(B) Limited to no more than two sanctions, up to seventy-two hours each, in any thirty-day period.~~

~~(iv)) Nothing in this subsection (2)(e) or in RCW 13.32A.250, 13.34.165, or 28A.225.090 shall be construed to limit the court's inherent contempt power or curtail its exercise.~~

(3) The court may, in addition to the remedial sanctions set forth in subsection (2) of this section, order a person found in contempt of court to pay a party for any losses suffered by the party as a result of the contempt and any costs incurred in connection with the contempt proceeding, including reasonable attorney's fees.

(4) If the court finds that a person under the age of eighteen years has willfully disobeyed the terms of an order issued under chapter 10.14 RCW, the court may find the person in contempt of court and may, as a sole sanction for such contempt, commit the person to juvenile detention for a period of time not to exceed seven days.

Sec. 7. RCW 13.32A.250 and 2000 c 162 s 14 are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter and the possible consequences thereof, including confinement when applicable. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3)(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

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(ii) Residential and nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b)(i) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to ~~(seven days)~~ seventy-two hours, or both for contempt of court under this section if (A) one of the less restrictive alternatives under (a) of this subsection has been attempted and another violation of the order has occurred, or (B) the court issues a formal finding that none of the less restrictive alternatives is available. The seventy-two hour period excludes Saturdays, Sundays, and holidays and 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.

((4)) (ii) A child placed in confinement for contempt under this section shall be placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

((5)) (4) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

((6)) (5) Whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court must direct the court clerk to command the presence of the child by the issuance of a summons or other method approved by local court rule instead of a warrant, unless the court finds probable cause to believe that the child would not appear in response to the command or finds probable cause to believe that the arrest is necessary to prevent serious bodily harm to the juvenile or another, in which case the court may issue a warrant. A warrant of arrest must be supported by an affidavit or sworn testimony, which must be recorded electronically or by stenographer, establishing the grounds for issuing the warrant. The warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present if the child named in the warrant is a pupil at the school. The court must communicate the summons to the child through mail, telephone, text message, or other method of communication needed in order to ensure the child has received the information. If the child fails to appear via the summons or other method, the court may issue an order directing law enforcement to pick up and take the child to detention. ~~((The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to detention, a detention review hearing must be held in accordance with RCW 13.32A.065.))~~

(6) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

Sec. 8. RCW 13.32A.250 and 2019 c ... s 7 (section 7 of this act) are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter and the possible consequences thereof, including confinement when applicable. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party in an at-risk youth proceeding to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) For at-risk youth proceedings only:

(a) If the child fails to comply with the court order, the court may impose:

(i) Community restitution;

(ii) Residential and nonresidential programs with intensive wraparound services;

(iii) A requirement that the child meet with a mentor for a specified number of times; or

(iv) Other services and interventions that the court deems appropriate.

(b)(i) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement for up to seventy-two hours, or both for contempt of court under this section if (A) one of the less restrictive alternatives under (a) of this subsection has been attempted and another violation of the order has occurred, or (B) the court issues a formal finding that none of the less restrictive alternatives is available. The seventy-two hour period excludes Saturdays, Sundays, and holidays and 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.

(ii) A child placed in confinement for contempt under this section shall be placed in confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(c) A child involved in a child in need of services proceeding may not be placed in confinement under this section.

(4) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(5) For at-risk youth proceedings only, whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court must direct the court clerk to command the presence of the child by the issuance of a summons or other method approved by local court rule instead of a warrant, unless the court finds probable cause to believe that the child would not appear in response to the command or finds probable cause to believe that the arrest is necessary to prevent serious bodily harm to the juvenile or another, in which case the court may issue a warrant. A warrant of arrest must be supported by an affidavit or sworn testimony, which must be recorded electronically or by stenographer, establishing the grounds for issuing the warrant. The warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present if the child named in the warrant is a pupil at the school. The court must communicate the summons to the child through mail, telephone, text message, or other method of communication needed in order to ensure the child has received the information. If the child fails to appear via the summons or other method, the court may issue an order directing law enforcement to pick up and take the child to detention.

(6) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

Sec. 9. RCW 13.32A.250 and 2019 c ... s 8 (section 8 of this act) are each amended to read as follows:

(1) In all child in need of services proceedings and at-risk youth proceedings, the court shall verbally notify the parents and the

child of the possibility of a finding of contempt for failure to comply with the terms of a court order entered pursuant to this chapter and the possible consequences thereof, including confinement when applicable. Except as otherwise provided in this section, the court shall treat the parents and the child equally for the purposes of applying contempt of court processes and penalties under this section.

(2) Failure by a party in an at-risk youth proceeding to comply with an order entered under this chapter is a civil contempt of court as provided in RCW 7.21.030(2)(e), subject to the limitations of subsection (3) of this section.

(3) For at-risk youth proceedings only:

(a) If the child fails to comply with the court order, the court may impose:

- (i) Community restitution;
- (ii) Residential and nonresidential programs with intensive wraparound services;
- (iii) A requirement that the child meet with a mentor for a specified number of times; or
- (iv) Other services and interventions that the court deems appropriate.

(b)(i) The court may impose remedial sanctions including a fine of up to one hundred dollars and confinement ~~((for up to seventy-two hours))~~ to a secure residential program with intensive wraparound services, or both for contempt of court under this section if (A) one of the less restrictive alternatives under (a) of this subsection has been attempted and another violation of the order has occurred, or (B) the court issues a formal finding that none of the less restrictive alternatives is available. ~~((The seventy-two hour period excludes Saturdays, Sundays, and holidays and 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.))~~

(ii) A child placed in confinement for contempt under this section ~~((shall))~~ may be placed in ~~((confinement only in a secure juvenile detention facility operated by or pursuant to a contract with a county))~~ a secure crisis residential center or any program approved by the department offering secure confinement and intensive wraparound services appropriate to the needs of the child. The child may not be placed in a detention facility as defined in RCW 13.40.020. Secure residential programs with intensive wraparound services as used in this section may be defined as secure juvenile correctional facilities for the purposes of federal law only.

(c) A child involved in a child in need of services proceeding may not be placed in confinement under this section.

(4) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

(5) For at-risk youth proceedings only, whenever the court finds probable cause to believe, based upon consideration of a motion for contempt and the information set forth in a supporting declaration, that a child has violated a placement order entered under this chapter, the court must direct the court clerk to command the presence of the child by the issuance of a summons or other method approved by local court rule instead of a warrant, unless the court finds probable cause to believe that the child would not appear in response to the command or finds probable cause to believe that the arrest is necessary to prevent serious bodily harm to the juvenile or another, in which case the court may issue a warrant. A warrant of arrest must be supported by an affidavit or sworn testimony, which must be recorded electronically or by stenographer, establishing the grounds for issuing the warrant. The warrant of arrest for a child under this subsection may not be served on a child inside of school during

school hours in a location where other students are present if the child named in the warrant is a pupil at the school. The court must communicate the summons to the child through mail, telephone, text message, or other method of communication needed in order to ensure the child has received the information. If the child fails to appear via the summons or other method, the court may issue an order directing law enforcement to pick up and take the child to detention.

(6) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

Sec. 10. RCW 13.32A.150 and 2000 c 123 s 17 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the juvenile court shall not accept the filing of a child in need of services petition by the child or the parents or the filing of an at-risk youth petition by the parent, unless verification is provided that the department has completed a family assessment. The family assessment shall involve the multidisciplinary team if one exists. The family assessment or plan of services developed by the multidisciplinary team shall be aimed at family reconciliation, reunification, and avoidance of the out-of-home placement of the child. ~~((If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section or the parent may proceed under RCW 13.32A.191.))~~

(2) A child or a child's parent may file with the juvenile court a child in need of services petition to approve an out-of-home placement for the child before completion of a family assessment. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition must be filed in the county where the parent resides. The petition shall allege that the child is a child in need of services and shall ask only that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve the placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an out-of-home placement under this chapter.

(3) A petition may not be filed if the child is the subject of a proceeding under chapter 13.34 RCW.

Sec. 11. RCW 13.34.165 and 2000 c 122 s 21 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is civil contempt of court as provided in RCW 7.21.030(2)~~((&))~~.

(2) The maximum term of confinement that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to ~~((seven days))~~ seventy-two hours.

(3) A child held for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

(5)(a) Subject to (b) of this subsection, whenever the court finds probable cause to believe, based upon consideration of a motion ~~((for contempt))~~ and the information set forth in a supporting declaration, that a child ~~((has violated a placement order entered under this chapter))~~ is missing from care, the court may issue an order directing law enforcement to pick up and ~~((take))~~ return the child to ~~((detention))~~ department custody. ~~((The order may be entered ex parte without prior notice to the child or other parties. Following the child's admission to~~

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~~detention, a detention review hearing must be held in accordance with RCW 13.32A.065.)~~

(b) If the department is notified of the child’s whereabouts and authorizes the child’s location, the court must withdraw the order directing law enforcement to pick up and return the child to department custody.

(6) Nothing in this section shall be construed to limit the court’s inherent contempt power or curtail its exercise.

Sec. 12. RCW 13.34.165 and 2019 c ... s 11 (section 11 of this act) are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is civil contempt of court as provided in RCW 7.21.030(2).

~~(2) ((The maximum term of confinement that may be imposed as a remedial sanction for contempt of court under this section is confinement for up to seventy-two hours.~~

~~(3) A child held for contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.~~

~~(4))~~ A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter.

~~((5))~~ (3)(a) Subject to (b) of this subsection, whenever the court finds probable cause to believe, based upon consideration of a motion and the information set forth in a supporting declaration, that a child is missing from care, the court may issue an order directing law enforcement to pick up and return the child to department custody.

(b) If the department is notified of the child’s whereabouts and authorizes the child’s location, the court must withdraw the order directing law enforcement to pick up and return the child to department custody.

~~((6))~~ (4) Nothing in this section shall be construed to limit the court’s inherent contempt power or curtail its exercise.

Sec. 13. RCW 28A.225.090 and 2017 c 291 s 5 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child’s current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student’s school district. If the court orders the child to enroll in a private school or program, the child’s school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not

be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child’s compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child’s compliance with the mandatory attendance law.

(2)(a) If the child fails to comply with the court order, the court may impose:

- (i) Community restitution;
- (ii) Nonresidential programs with intensive wraparound services;
- (iii) A requirement that the child meet with a mentor for a specified number of times; or
- (iv) Other services and interventions that the court deems appropriate.

(b) If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than ~~((seven days))~~ seventy-two hours. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child’s home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child’s school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child’s school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child’s attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child’s absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention

such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 14. RCW 28A.225.090 and 2019 c ... s 13 (section 13 of this act) are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Submit to a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the substance abuse assessment at no expense to the school; or

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law.

(2) ~~((a))~~ If the child fails to comply with the court order, the court may impose:

~~((i))~~ (a) Community restitution;

~~((ii))~~ (b) Nonresidential programs with intensive wraparound services;

~~((iii))~~ (c) A requirement that the child meet with a mentor for a specified number of times; or

~~((iv))~~ (d) Other services and interventions that the court deems appropriate.

~~((b) If the child continues to fail to comply with the court order and the court makes a finding that other measures to secure compliance have been tried but have been unsuccessful and no less restrictive alternative is available, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e). Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seventy-two hours. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.))~~

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may ~~((order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may))~~ impose alternatives to detention ~~((such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW))~~ consistent with best practice models for reengagement with school.

(5) Nothing in this section shall be construed to limit the court's inherent contempt power or curtail its exercise.

(6) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 15. RCW 43.185C.260 and 2018 c 58 s 61 are each amended to read as follows:

(1) A law enforcement officer shall take a child into custody:

(a) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(b) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's safety or that a child is violating a local curfew ordinance; or

(c) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement ~~((or~~

~~((if a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued under~~

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~~this chapter or chapter 13.34 RCW or that the court has issued an order for law enforcement pick-up of the child under this chapter or chapter 13.34 RCW).~~

(2) Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination. Law enforcement custody continues until the law enforcement officer transfers custody to a person, agency, or other authorized entity under this chapter, or releases the child because no placement is available. Transfer of custody is not complete unless the person, agency, or entity to whom the child is released agrees to accept custody.

(3) If a law enforcement officer takes a child into custody pursuant to either subsection (1)(a) or (b) of this section and transports the child to a crisis residential center, the officer shall, within twenty-four hours of delivering the child to the center, provide to the center a written report detailing the reasons the officer took the child into custody. The center shall provide the department of children, youth, and families with a copy of the officer's report if the youth is in the care of or receiving services from the department of children, youth, and families.

(4) If the law enforcement officer who initially takes the juvenile into custody or the staff of the crisis residential center have reasonable cause to believe that the child is absent from home because he or she is abused or neglected, a report shall be made immediately to the department of children, youth, and families.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

(6) If a law enforcement officer has a reasonable suspicion that a child is being unlawfully harbored in violation of RCW 13.32A.080, the officer shall remove the child from the custody of the person harboring the child and shall transport the child to one of the locations specified in RCW 43.185C.265.

(7) No child may be placed in a secure facility except as provided in this chapter.

Sec. 16. RCW 43.185C.265 and 2015 c 69 s 14 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 43.185C.260(1) (a) or (b) shall inform the child of the reason for such custody and shall:

(a) Transport the child to his or her home or to a parent at his or her place of employment, if no parent is at home. The parent may request that the officer take the child to the home of an adult extended family member, responsible adult, crisis residential center, the department of ~~((social and health services))~~ children, youth, and families, or a licensed youth shelter. In responding to the request of the parent, the officer shall take the child to a requested place which, in the officer's belief, is within a reasonable distance of the parent's home. The officer releasing a child into the custody of a parent, an adult extended family member, responsible adult, or a licensed youth shelter shall inform the person receiving the child of the reason for taking the child into custody and inform all parties of the nature and location of appropriate services available in the community; or

(b) After attempting to notify the parent, take the child to a designated crisis residential center's secure facility or a center's semi-secure facility if a secure facility is full, not available, or not located within a reasonable distance if:

(i) The child expresses fear or distress at the prospect of being returned to his or her home which leads the officer to believe there is a possibility that the child is experiencing some type of abuse or neglect;

(ii) It is not practical to transport the child to his or her home or place of the parent's employment; or

(iii) There is no parent available to accept custody of the child; or

(c) After attempting to notify the parent, if a crisis residential center is full, not available, or not located within a reasonable distance, request the department of ~~((social and health services))~~ children, youth, and families to accept custody of the child. If the department of ~~((social and health services))~~ children, youth, and families determines that an appropriate placement is currently available, the department of ~~((social and health services))~~ children, youth, and families shall accept custody and place the child in an out-of-home placement. Upon accepting custody of a child from the officer, the department of ~~((social and health services))~~ children, youth, and families may place the child in an out-of-home placement for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, without filing a child in need of services petition, obtaining parental consent, or obtaining an order for placement under chapter 13.34 RCW. Upon transferring a child to the department of ~~((social and health services'))~~ children, youth, and families' custody, the officer shall provide written documentation of the reasons and the statutory basis for taking the child into custody. If the department of ~~((social and health services))~~ children, youth, and families declines to accept custody of the child, the officer may release the child after attempting to take the child to the following, in the order listed: The home of an adult extended family member; a responsible adult; or a licensed youth shelter. The officer shall immediately notify the department of ~~((social and health services))~~ children, youth, and families if no placement option is available and the child is released.

(2) An officer taking a child into custody under RCW 43.185C.260(1)(c) ~~((or (d)))~~ shall inform the child of the reason for custody. An officer taking a child into custody under RCW 43.185C.260(1)(c) may release the child to the supervising agency, may return the child to the placement authorized by the supervising agency, or shall take the child to a designated crisis residential center ~~((s secure facility. If the secure facility is not available, not located within a reasonable distance, or full, the officer shall take the child to a semi-secure crisis residential center. An officer taking a child into custody under RCW 43.185C.260(1)(d) may place the child in a juvenile detention facility as provided in RCW 43.185C.270 or a secure facility, except that the child shall be taken to detention whenever the officer has been notified that a juvenile court has entered a detention order under this chapter or chapter 13.34 RCW)).~~

(3) Every officer taking a child into custody shall provide the child and his or her parent or parents or responsible adult with a copy of the statement specified in RCW 43.185C.290(6).

(4) Whenever an officer transfers custody of a child to a crisis residential center or the department of ~~((social and health services))~~ children, youth, and families, the child may reside in the crisis residential center or may be placed by the department of ~~((social and health services))~~ children, youth, and families in an out-of-home placement for an aggregate total period of time not to exceed seventy-two hours excluding Saturdays, Sundays, and holidays. Thereafter, the child may continue in out-of-home placement only if the parents have consented, a child in need of services petition has been filed, or an order for placement has been entered under chapter 13.34 RCW.

(5) The department of ~~((social and health services))~~ children, youth, and families shall ensure that all law enforcement authorities are informed on a regular basis as to the location of all designated secure and semi-secure facilities within centers in their

jurisdiction, where children taken into custody under RCW 43.185C.260 may be taken.

Sec. 17. RCW 2.56.032 and 2016 c 205 s 19 are each amended to read as follows:

(1)(a) To accurately track the extent to which courts order youth into a secure detention facility in Washington state for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition, all juvenile courts shall transmit youth-level secure detention data to the administrative office of the courts.

(b) Data may either be entered into the statewide management information system for juvenile courts or securely transmitted to the administrative office of the courts at least monthly. Juvenile courts shall provide, at a minimum, the name and date of birth for the youth, the court case number assigned to the petition, the reasons for admission to the juvenile detention facility, the date of admission, the date of exit, and the time the youth spent in secure confinement.

(c) Courts are also encouraged to report individual-level data reflecting whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives.

(d) The administrative office of the courts and the juvenile court administrators must work to develop uniform data standards for detention.

(2) The administrative office of the courts shall deliver an annual statewide report to the legislature that details the number of Washington youth who are placed into detention facilities during the preceding calendar year. The first report shall be delivered by March 1, 2017, and shall detail the most serious reason for detention and youth gender, race, and ethnicity. The report must have a specific emphasis on youth who are detained for reasons relating to a truancy, at-risk youth, or a child in need of services petition. The report must:

(a) Consider the written findings described in RCW 7.21.030(2)(c)(ii)(B), and provide an analysis of the rationale and evidence used and the less restrictive options considered;

(b) Monitor the utilization of alternatives to detention;

(c) Track trends in the use of at-risk youth petitions;

(d) Track trends in the use of secure residential programs with intensive wraparound services; and

(e) Track the race and gender of youth with at-risk petitions.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

(1)RCW 43.185C.270 (Youth services—Officer taking child into custody—Placing in detention—Detention review hearing—Hearing on contempt) and 2015 c 69 s 15; and

(2)1998 c 296 s 35 (uncodified).

NEW SECTION. Sec. 19. Except for sections 4, 5, 6, 8, 9, 12, and 14 of this act, this necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019.

NEW SECTION. Sec. 20. Sections 4, 8, and 12 of this act take effect July 1, 2020.

NEW SECTION. Sec. 21. Sections 5 and 14 of this act take effect July 1, 2021.

NEW SECTION. Sec. 22. Sections 6 and 9 of this act take effect July 1, 2023."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Darneille moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5290.

Senator Darneille spoke in favor of the motion.

Senator Walsh spoke against the motion.

Senator Liias demanded a roll call.

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

Senators Becker, Padden, Rivers, Sheldon, O'Ban and Braun spoke against the motion.

The Vice President Pro Tempore declared the question before the Senate to be the motion by Senator Darneille that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the motion by Senator Darneille that the Senate concur in House amendment(s) to Engrossed Second Substitute Senate Bill No. 5290 and the motion carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

President Habib assumed the chair.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5290, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5290, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5290, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

ONE HUNDRED FIFTH DAY, APRIL 28, 2019

2019 REGULAR SESSION

April 27, 2019

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5695 with the following amendment(s): 5695-S AMH ENGR H2801.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that individuals who engage in contrived or repeated violations of the state's high occupancy vehicle lane restrictions frustrate the state's congestion management, and justifiably incite indignation and anger among fellow transportation system users. The legislature intends the escalating penalties prescribed in this act to rebuke and discourage such conduct within Washington's transportation system.

Sec. 2. RCW 46.20.289 and 2016 c 203 s 6 are each amended to read as follows:

Except for traffic violations committed under RCW 46.61.165, the department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has did not carry to respond to a notice of traffic infraction for a moving violation, did not carry to appear at a requested hearing for a moving violation, violated a written promise to appear in court for a notice of infraction for a moving violation, or has did not carry to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation, or when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005. A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

Sec. 3. RCW 46.61.165 and 2013 c 26 s 2 are each amended to read as follows:

(1) The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of one or more of the following: (a) Public transportation vehicles; (b) motorcycles; (c) private motor vehicles carrying no fewer than a specified number of passengers; or (d) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66

RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are authorized pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) The state department of transportation and the local authorities authorized to reserve all or any portion of any highway under their respective jurisdictions, for exclusive or preferential use, may prohibit the use of a high occupancy vehicle lane by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle lane fails to meet department of transportation standards and falls below forty-five miles per hour at least ninety percent of the time during the peak hours, as determined by the department of transportation or the local authority, whichever operates the facility.

(4) Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction. A person who commits a traffic infraction under this section is also subject to additional monetary penalties as defined in this subsection. The additional monetary penalties are separate from the base penalty, fees, and assessments issued for the traffic infraction and are intended to raise awareness, and improve the efficiency, of the high occupancy vehicle lane system.

(a) Whenever a person commits a traffic infraction under this section, an additional monetary penalty of fifty dollars must be collected, and, in the case that a person has already committed a violation under this section within two years of committing this violation, then an additional one hundred fifty dollars must be collected.

(b) Any time a person commits a traffic infraction under this section and is using a dummy, doll, or other human facsimile to make it appear that an additional person is in the vehicle, the person must be assessed a two hundred dollar penalty, which is in addition to the penalties in (a) of this subsection.

(c) The monetary penalties under (a) and (b) of this subsection are additional, separate, and distinct penalties from the base penalty and are not subject to fees or assessments specified in RCW 46.63.110, 3.62.090, and 2.68.040.

(d)(i) The additional penalties collected under (a) of this subsection must be distributed as follows:

(A) Twenty-five percent must be deposited into the congestion relief and traffic safety account created under section 7 of this act; and

(B) Seventy-five percent must be deposited into the motor vehicle fund created under RCW 46.68.070.

(ii) The additional penalty collected under (b) of this subsection must be deposited into the congestion relief and traffic safety account created under section 7 of this act.

(e) Violations committed under this section are excluded from eligibility as a moving violation for driver's license suspension under RCW 46.20.289 when a person subsequently fails to respond to a notice of traffic infraction for this moving violation,

fails to appear at a requested hearing for this moving violation, violates a written promise to appear in court for a notice of infraction for this moving violation, or fails to comply with the terms of a notice of traffic infraction for this moving violation.

(5) Local authorities are encouraged to establish a process for private transportation providers, as described under subsections (1) and (3) of this section, to apply for the use of public transportation facilities reserved for the exclusive or preferential use of public transportation vehicles. The application and review processes should be uniform and should provide for an expeditious response by the local authority. Whenever practicable, local authorities should enter into agreements with such private transportation providers to allow for the reasonable use of these facilities.

(6) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department of transportation, and is offered by an employer for the benefit of its employees.

Sec. 4. RCW 46.63.110 and 2012 c 82 s 1 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines, in its discretion, that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion,

implement a payment plan. If the court has notified the department that the person has did not carry to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation for civil enforcement until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the court has entered into a new time payment or community restitution agreement with the person. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privileges.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court may refer the unpaid monetary penalty, fee, cost, assessment, or other monetary obligation to a collections agency until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section. For those infractions subject to suspension under RCW 46.20.289, the court shall notify the department of the person's delinquency, and the department shall suspend the person's driver's license or driving privileges.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall

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be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

(c) A fee of two dollars per infraction. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited in the state general fund. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

(11) The additional monetary penalties for a violation of RCW 46.61.165 are not subject to assessments or fees provided under this section.

Sec. 5. RCW 3.62.090 and 2004 c 15 s 5 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to seventy percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.5055, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

(3) This section does not apply to the fee imposed under RCW 46.63.110(7), the penalty imposed under RCW 46.63.110(8), or the penalty assessment imposed under RCW 10.99.080. This section does not apply to the additional monetary penalties under RCW 46.61.165.

Sec. 6. RCW 2.68.040 and 1994 c 8 s 2 are each amended to read as follows:

(1) To support the judicial information system account provided for in RCW 2.68.020, the supreme court may provide by rule for an increase in fines, penalties, and assessments, and the increased amount shall be forwarded to the state treasurer for deposit in the account:

(a) Pursuant to the authority of RCW 46.63.110(~~((2))~~) (3), the sum of ten dollars to any penalty collected by a court pursuant to supreme court infraction rules for courts of limited jurisdiction;

(b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the initial sum of ten dollars to be assessed on all defendants; and

(c) Pursuant to RCW 46.63.110(~~((5))~~) (6), a ten-dollar assessment for each account for which a person requests a time payment schedule.

(2) Notwithstanding a provision of law or rule to the contrary, the assessments provided for in this section may not be waived or suspended and shall be immediately due and payable upon forfeiture, conviction, deferral of prosecution, or request for time payment, as each shall occur.

(3) The supreme court is requested to adjust these assessments for inflation.

(4) This section does not apply to the additional monetary penalties under RCW 46.61.165.

NEW SECTION. Sec. 7. A new section is added to chapter 46.68 RCW to read as follows:

The congestion relief and traffic safety account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for purposes related to congestion relief and traffic safety."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5695.

Senators Liias and King spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5695.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5695 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5695, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5695, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Becker, Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Nguyen, O'Ban, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wagoner, Walsh, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Bailey, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, Mullet, Padden, Schoesler, Sheldon, Short and Warnick

SUBSTITUTE SENATE BILL NO. 5695, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SIGNED BY THE PRESIDENT

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

SUBSTITUTE SENATE BILL NO. 5025,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5526,
SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5955,
and ENGROSSED SUBSTITUTE SENATE BILL NO. 5993.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2167, by House Committee on Finance (originally sponsored by Tarleton)

Concerning tax revenue.

The measure was read the second time.

MOTION

Senator Braun moved that Substitute House Bill No. 2167 be referred to the Committee on Ways & Means.

Senators Braun, Short, Mullet and O'Ban spoke for the motion by Senator Braun that the bill be referred.

Senator Liias spoke against the motion by Senator Braun that the bill be referred.

Senator Short demanded a roll call.

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

MOTION

Senator Braun moved to amended his motion to refer Substitute House Bill No. 2167 to the Committee on Ways & Means to instead refer the bill to the Committee on Financial Institutions, Economic Development & Trade.

Senators Braun, Short and Sheldon spoke in favor of the amended motion.

Senator Liias spoke against the amended motion.

Senator Short 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 Braun to amend the motion by Senator Braun and refer Substitute House Bill No. 2167 to the Committee on Financial Institutions, Economic Development & Trade instead of the Committee on Ways & Means.

ROLL CALL

The Secretary called the roll on the motion by Senator Braun to amend the motion by Senator Braun and refer Substitute House Bill No. 2167 to the Committee on Financial Institutions, Economic Development & Trade instead of the Committee on Ways & Means.

Pursuant to Rule 24, Senator Short moved a call of the Senate.

The President declared the question before the Senate to be the motion of a call of the Senate. The motion did not carry by a rising vote.

The Secretary announced the roll on the motion to amend and the motion did not carry by the following vote: Yeas, 24; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

Absent: Senator Palumbo

The Lieutenant Governor voted nay.

PARLIAMENTARY INQUIRY

Senator Wagoner: "As you pointed out, we have not done this before, I have not done this before, so I'm just wondering is there an opportunity now to speak on the underlying amendment or has that time passed?"

REPLY BY THE PRESIDENT

President Habib: "There is. There is. If you'd like to speak to the underlying motion by Senator Braun which is not to commit, recommit the bill to the Committee on Ways & Means, you may. Please proceed."

Senator Wagoner spoke in favor of the motion by Senator Braun to refer Substitute House Bill No. 2167 to the Committee on Ways & Means.

The President declared the question before the Senate to be the motion by Senator Braun to refer Substitute House Bill No. 2167 to the Committee on Ways & Means:

ROLL CALL

The Secretary call the roll on the motion by Senator Braun to refer Substitute House Bill No. 2167 to the Committee on Ways & Means and the motion did not carry by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Takko, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Schoesler moved that the following amendment no. 893 by Senator Schoesler be adopted:

On page 2, line 5, strike "1.2" and insert "0.6"

Senators Schoesler, Mullet, Ericksen and Becker spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

Senator Schoesler 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 adoption of the amendment by Senator Schoesler on page 2, line 5 to Substitute House Bill No. 2167.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Wilson, C.

MOTION

Senator Short moved that the following amendment no. 892 by Senator Short be adopted:

On page 4, after line 21, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for all taxes paid during the calendar year on interest received by financial institutions for agricultural loans issued.

(2) A person claiming the credit under this section is subject to all the requirements of chapter 82.32 RCW. A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year. Credits carried over must be applied to tax liability before new credits. No refunds may be granted for credits under this section.

(3) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. Sec. 4. The provisions of RCW 82.32.805 and 82.32.808 do not apply to section 2 of this act."

On page 1, line 1 of the title, after "revenue;" strike the remainder of the title and insert "adding new sections to chapter 82.04 RCW; and creating new sections."

Senators Short, Mullet and Schoesler spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

Senator Short 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 adoption of the amendment by Senator Short on page 4, after line 21 to Substitute House Bill No. 2167.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote:Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Wilson, C. .

MOTION

Senator Short moved that the following amendment no. 894 by Senator Short be adopted:

On page 4, after line 21, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for all taxes paid during the calendar year on interest received by financial institutions for loans issued to small businesses with fifty or fewer employees.

(2) A person claiming the credit under this section is subject to all the requirements of chapter 82.32 RCW. A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year. Credits carried over must be applied to tax liability before new credits. No refunds may be granted for credits under this section.

(3) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. Sec. 4. The provisions of RCW 82.32.805 and 82.32.808 do not apply to section 2 of this act."

On page 1, line 1 of the title, after "revenue;" strike the remainder of the title and insert "adding new sections to chapter 82.04 RCW; and creating new sections."

Senators Short and Mullet spoke in favor of adoption of the amendment.

Senators Carlyle, Zeiger and Fortunato spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 894 by Senator Short on page 4, after line 21 to Substitute House Bill No. 2167.

The motion by Senator Short did not carry and amendment no. 894 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 895 by Senator Short be adopted:

On page 4, after line 21, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for all taxes paid during the calendar year on interest received by financial institutions for loans issued to first-time homebuyers.

(2) A person claiming the credit under this section is subject to all the requirements of chapter 82.32 RCW. A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year. Credits carried over must be applied to tax liability before new credits. No refunds may be granted for credits under this section.

(3) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. Sec. 4. The provisions of RCW 82.32.805 and 82.32.808 do not apply to section 2 of this act."

On page 1, line 1 of the title, after "revenue;" strike the remainder of the title and insert "adding new sections to chapter 82.04 RCW; and creating new sections."

Senator Short spoke in favor of adoption of the amendment.

Senator Short demanded a roll call.

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

Senators Schoesler, Mullet, Fortunato and Wilson, L. spoke in favor of adoption of the amendment.

Senator Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 4, line 21 to Substitute House Bill No. 2167.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Wilson, C. .

MOTION

Senator Braun moved that the following amendment no. 896 by Senator Braun be adopted:

On page 4, after line 21, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for all taxes paid during the calendar year on interest received by financial institutions for loans issued to women, minority, and veteran-owned businesses.

(2) A person claiming the credit under this section is subject to all the requirements of chapter 82.32 RCW. A credit earned

during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year. Credits carried over must be applied to tax liability before new credits. No refunds may be granted for credits under this section.

(3) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. Sec. 4. The provisions of RCW 82.32.805 and 82.32.808 do not apply to section 2 of this act."

On page 1, line 1 of the title, after "revenue;" strike the remainder of the title and insert "adding new sections to chapter 82.04 RCW; and creating new sections."

Senators Braun and Short spoke in favor of adoption of the amendment.

Senator Rolfes spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

Senators Brown and Mullet spoke in favor of adoption of the amendment.

Senator Hasegawa spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 4, line 21 to Substitute House Bill No. 2167.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Wilson, C. .

MOTION

Senator Schoesler moved that the following amendment no. 897 by Senator Schoesler be adopted:

On page 4, after line 21, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for all taxes paid during the calendar year on the interest received by financial institutions on loans issued for affordable housing projects.

(2) A person claiming the credit under this section is subject to all the requirements of chapter 82.32 RCW. A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year. Credits carried over must be applied to tax liability before new credits. No refunds may be granted for credits under this section.

(3) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

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NEW SECTION. **Sec. 4.** The provisions of RCW 82.32.805 and 82.32.808 do not apply to section 3 of this act."

On page 1, line 1 of the title, after "revenue;" strike the remainder of the title and insert "adding new sections to chapter 82.04 RCW; and creating new sections."

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

Senator Kuderer spoke against adoption of the amendment.

Senator Short demanded a roll call.

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

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

Senator Hasegawa spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 4, line 21 to Substitute House Bill No. 2167.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Salomon, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Wilson, C.

MOTION

On motion of Senator Rolfes, the rules were suspended, Substitute House Bill No. 2167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rolfes, Conway, Liias and Hasegawa spoke in favor of passage of the bill.

Senators Braun, Ericksen, Mullet, Sheldon, Fortunato, Hobbs, Schoesler and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2167.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2167 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, O'Ban, Padden, Palumbo, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

SUBSTITUTE HOUSE BILL NO. 2167, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Randall: "I rise today to recognize some of Washington's most dedicated and perhaps least acknowledged public servants. We all know a wonderful family three generations who work together to make sure that we are able to do our best work for the people of Washington. Jean-Pierre and Kerri, Airyl Skylyr, Brittany along with some of the youngest members of the Simon family, keep us fed. They know our coffee orders and our favorite breakfast. They give us a quiet place to hide from the floor when we all need a break. They care so much about the work that we do here and count all of us as friends and team members. And outside of their work here in Olympia they are tireless workers for our community. They have a beautiful restaurant. Airyl's also a welder. Their parents, they represent such wonderful family values and committed Washingtonians to our economy. And I would wonder, Mr. President, if you might be willing to bring our friends out on to the floor?"

The rose and recognized the Simon family who were present at the bar of the senate.

PERSONAL PRIVILEGE

Senator Sheldon: "Mr. President, I just wanted to relate something. What a great family and we've all enjoyed their their hospitality and their friendship and I go back just a few years and I won't tell you what year because you could figure it out but the majority party decided that we should just have soup and sandwiches. And I could tell you Mr. President that was the worst session we've ever had here."

MOTION

At 5:27 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 8:09 p.m. by President Habib.

SIGNED BY THE PRESIDENT

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

- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5091,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5160,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5183,
- SUBSTITUTE SENATE BILL NO. 5362,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5825,
- and ENGROSSED SENATE BILL NO. 6016.

SECOND READING

INITIATIVE NO. 1000, by People of the State of Washington

Concerning diversity, equity, and inclusion.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, Initiative No. 1000 was advanced to third reading, the second reading considered the third and the initiative was placed on final passage.

Senators Nguyen, Kuderer, Hasegawa, Dhingra and Wilson, C. spoke in favor of passage of the initiative.

Senators Zeiger, Brown, Wagoner, O'Ban, Ericksen and Mullet spoke against passage of the initiative.

MOTIONS

On motion of Senator Wilson, C., Senators Carlyle and Palumbo were excused.

On motion of Senator Saldaña, Senator Hobbs was excused.

The President declared the question before the Senate to be the final passage of Initiative No. 1000.

ROLL CALL

The Secretary called the roll on the final passage of Initiative No. 1000 and the initiative passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Palumbo

INITIATIVE NO. 1000, having received the constitutional majority, was declared passed. There being no objection, the title of the initiative was ordered to stand as the title of the act.

MOTION

At 8:43 p.m., the President declared the Senate to be temporarily at ease subject to the call of the President.

The Senate was called to order at 8:45 p.m. by President Habib.

MOTION

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

MESSAGES FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6004, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 28, 2019

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1160 and has passed the bill as recommended by the Conference Committee.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 28, 2019

MR. PRESIDENT:

The House has passed:

HOUSE INITIATIVE NO. 1000, and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 28, 2019

MR. PRESIDENT:

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

SUBSTITUTE HOUSE BILL NO. 1326,

ENGROSSED SECOND SUBSTITUTE

HOUSE BILL NO. 2042,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 8:46 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:56 p.m. by President Habib.

MESSAGE FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140 and asks the Senate to recede therefrom.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Liias moved that the Senate insist on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2140 and ask the House to concur thereon.

Senators Liias and Braun spoke in favor of passage of the motion.

The President declared the question before the Senate to be motion by Senator Liias that the Senate insist on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2140 and ask the House to concur thereon.

The motion by Senator Liias carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2140 and again asked the House to concur thereon by voice vote.

MOTION

At 8:57 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

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2019 REGULAR SESSION

The Senate was called to order at 10:37 p.m. by President Habib.

MESSAGES FROM THE HOUSE

April 27, 2019

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5370 and has passed the bill as recommended by the Conference Committee. and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 28, 2019

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE HOUSE BILL NO. 1101,
- SUBSTITUTE HOUSE BILL NO. 1102,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1160,
- SUBSTITUTE HOUSE BILL NO. 1170,
- SUBSTITUTE HOUSE BILL NO. 1406,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1768,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1839,
- ENGROSSED HOUSE BILL NO. 2020,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2158,
- SUBSTITUTE HOUSE BILL NO. 2159,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2161,
- SUBSTITUTE HOUSE BILL NO. 2168,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

SIGNED BY THE PRESIDENT

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

- SENATE INITIATIVE NO. 1000,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5290,
- SUBSTITUTE SENATE BILL NO. 5695,
- and ENGROSSED SUBSTITUTE SENATE BILL NO. 6004.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2163, by House Committee on Appropriations (originally sponsored by Stokesbary)

Transferring extraordinary revenue growth from the budget stabilization account for K-12 education.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Frockt and without objection, amendment no. 899 by Senator Frockt on page 1, line 6 to Engrossed Substitute House Bill No. 2163 was withdrawn.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed Substitute House Bill No. 2163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

MOTION

On motion of Senator Short, Senators Rivers and Sheldon were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2163.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2163 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Hunt, Keiser, King, Lovelett, McCoy, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Ericksen, Frockt, Honeyford, Kuderer, Liias, Mullet and Wagoner

Excused: Senator Rivers

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2163, having received the constitutional required three-fifths majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE SENATE BILL NO. 5025,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5091,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5160,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5183,
- SUBSTITUTE SENATE BILL NO. 5362,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5526,
- SENATE BILL NO. 5596,
- SUBSTITUTE SENATE BILL NO. 5668,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5825,
- SENATE BILL NO. 5881,
- SUBSTITUTE SENATE BILL NO. 5883,
- SUBSTITUTE SENATE BILL NO. 5894,
- ENGROSSED SENATE BILL NO. 5937,
- SUBSTITUTE SENATE BILL NO. 5955,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5993,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5997,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5998,
- ENGROSSED SENATE BILL NO. 6016,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 28, 2019

MR. PRESIDENT:
The Speaker has signed:

SENATE INITIATIVE NO. 1000,
and the same are herewith transmitted.
BERNARD DEAN, Chief Clerk

April 28, 2019

MR. PRESIDENT:
The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE
SENATE BILL NO. 5290,
SUBSTITUTE SENATE BILL NO. 5695,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6004,
and the same are herewith transmitted.
NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, and without objection, the rules were suspended and the Committee on Agriculture, Water, Natural Resources & Parks was relieved of further consideration of Senate Bill No. 5871, concerning the Columbia River recreational salmon and steelhead endorsement program, and the bill was placed on the day's second reading calendar.

MOTION

At 10:45 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:50 p.m. by President Habib.

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

REPORT OF THE CONFERENCE COMMITTEE
Engrossed Substitute House Bill No. 1109
April 27, 2019

MR. PRESIDENT:
MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 1109, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

And the bill do pass as recommended by the conference committee.

Signed by Senators Frockt and Rolfes; Representatives Ormsby and Robinson.

MOTION

Senator Rolfes moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1109 be adopted.

Senators Rolfes, Palumbo and Conway spoke in favor of passage of the motion.

Senators Braun, Schoesler, Mullet, Erickson and Fortunato spoke against passage of the motion.

The President declared the question before the Senate to be the motion by Senator Rolfes that the Report of the Conference

Committee on Engrossed Substitute House Bill No. 1109 be adopted.

The motion by Senator Rolfes carried and the Report of the Conference Committee was adopted by voice vote.

MOTION

On motion of Senator Bailey, Senator Rivers was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1109, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1109, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Erickson, Fortunato, Hawkins, Holy, Honeyford, King, Mullet, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Rivers

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:
The House has passed:

SENATE CONCURRENT RESOLUTION NO. 8406,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

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

SUBSTITUTE HOUSE BILL NO. 1101,
SUBSTITUTE HOUSE BILL NO. 1102,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1160,
SUBSTITUTE HOUSE BILL NO. 1170,
SUBSTITUTE HOUSE BILL NO. 1406,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1768,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1839,
ENGROSSED HOUSE BILL NO. 2020,
ENGROSSED SECOND SUBSTITUTE
HOUSE BILL NO. 2158,
SUBSTITUTE HOUSE BILL NO. 2159,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2161,
and SUBSTITUTE HOUSE BILL NO. 2168.

PERSONAL PRIVILEGE

ONE HUNDRED FIFTH DAY, APRIL 28, 2019

2019 REGULAR SESSION

Senator Rolfes: "Thank you Mr. President very much. Thank you all very much for the honor of serving as your Ways & Means committee chair this year. It really is quite a privilege. I think we're all privileged to serve here and it is really a privilege to be able to lead the Senate. And it really is a privilege to work with somebody like John Braun. What a great honor to have a partner like him. I also want to take a moment to thank the staff, which we always do, but I just want to say that there were times that I would, I would refer to our committee as a ship taken over by pirates or an airplane on a bumpy landing and we would and snakes coming out of the cargo load, and those guys always got us landed safely. No matter what was going on with committee, with committee members, with bills, their expertise is absolutely critical. We don't know what we are doing when we are writing a budget. We don't know what the timelines are, what the formats are, anything or any of that but the Ways & Means staff is incredible. Incredible. And so I would like to thank them personally and I think we'll all join in a round of applause for them. I am hoping that they are watching this on TV because they have been working on it for months, years. I want to start by thanking Matt Bridges and Ryan Moore from our caucus staff who are in the wings. And talk about, talk about capable, those guys are handling the pirates every day in our individual caucuses. Then I also want to thank, start by thanking Nazeedah and Maya who were the two staff people who were just made sure the meetings ran efficiently. They ran the front office. They made sure we all had our notes. Just incredible young people. The boss, of course, Michael Bezanson; James Kettel, who was in charge of writing the budget and managing all of that work as well; Jeff Mitchell; Richard Ramsey from the Capital Budget staff; Julie Murray; Michele Alishahi; Amanda Cecil; Claire Goodwin; Kayla Hammer; Jed Herman; Maria Hovde; Alia Kennedy; Danny Masterson; Jeff Naas; Sarian Scott; Sandy Stith; Travis Sugarman; and, of course, Jasmin Adams. Fantastic people. Highly capable staff and we are fortunate that they work for the state government. Can we give them a round of applause?"

The senate rose and recognized the work of the staff of the Committee on Ways & Means and caucus fiscal staff.

MESSAGE FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5313 with the following amendment(s): 5313-S.E AMH Sulp H3237.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.500.015 and 2018 c 266 s 303 are each amended to read as follows:

(1) Beginning in calendar year ~~((2019))~~ 2020 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2)~~(a)~~ For an eligible school district~~((;))~~ with an actual enrichment levy rate that is less than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy rate divided by one dollar and fifty cents per thousand dollars of assessed value in the school district~~((s maximum allowable))~~.

(b) For an eligible school district with an actual enrichment levy rate that is equal to or greater than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance.

(c) Beginning in calendar year 2022, for state-tribal education compact schools established under chapter 28A.715 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent of public instruction for the previous year for the school district in which the state-tribal education compact school is located, up to a maximum per student amount of one thousand five hundred fifty dollars as increased by inflation from the 2019 calendar year, multiplied by the student enrollment of the state-tribal education compact school in the prior school year.

(d) For a school district that meets the criteria in this subsection and is located west of the Cascades in a county that borders another state, the annual local effort assistance funding is equal to the local effort assistance funding authorized under (b) of this subsection and additional local effort assistance funding equal to the following amounts:

(i) Two hundred forty-six dollars per pupil in the 2019-20 school year for a school district with more than twenty-five thousand annual full-time equivalent students; and

(ii) Two hundred eighty-six dollars per pupil in the 2019-20 school year for a school district with more than twenty thousand annual full-time equivalent enrolled students but fewer than twenty-five thousand annual full-time equivalent enrolled students.

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

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

~~(a) "Eligible school district" means a school district ((whose maximum allowable enrichment)) where the amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district, divided by the school district's total student enrollment in the prior school year, is less than the state local effort assistance threshold.~~

(b) For the purpose of this section, "inflation" means, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

~~(c) ("Maximum allowable enrichment levy" means the maximum levy permitted by RCW 84.52.0531.~~

~~(d))~~ "Maximum local effort assistance" means the difference between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and

(ii) The amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district~~((s maximum allowable enrichment levy))~~.

~~((e))~~ (d) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed.

~~((f))~~ (e) "State local effort assistance threshold" means one thousand five hundred fifty dollars per student, increased for inflation beginning in calendar year 2020.

~~((g))~~ (f) "Student enrollment" means the average annual full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

Sec. 2. RCW 84.52.0531 and 2018 c 266 s 307 are each amended to read as follows:

(1) Beginning with taxes levied for collection in ~~((2019))~~ 2020, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of ~~((one))~~ two dollars and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit. This maximum dollar amount shall be reduced accordingly as provided under RCW 43.09.2856(2).

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

(a) For the purpose of this section, "inflation" means, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(b) "Maximum per-pupil limit" means:

(i) Two thousand five hundred dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with fewer than forty thousand annual full-time equivalent students enrolled in the school district in the prior school year; or

(ii) Three thousand dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with forty thousand or more annual full-time equivalent students enrolled in the school district in the prior school year. ((Beginning with property taxes levied for collection in 2020, the maximum per-pupil limit shall be increased by inflation.))

(c) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(7) Beginning with taxes levied for collection in 2018, enrichment levy revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW

28A.320.330, and for the 2018-19 school year are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

(8) Funds collected from levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

Sec. 3. RCW 28A.320.330 and 2018 c 266 s 302 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide ~~((any))~~ the supplemental expenditure schedule(s) under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 4. RCW 43.09.2856 and 2018 c 266 s 406 are each amended to read as follows:

(1) Beginning with the 2019-20 school year, to ensure that school district local revenues are used solely for purposes of enriching the state's statutory program of basic education, the state auditor's regular financial audits of school districts must include a review of the expenditure of school district local revenues for compliance with RCW 28A.150.276, including the spending plan approved by the superintendent of public instruction under RCW 28A.505.240 and its implementation, and any supplemental contracts entered into under RCW 28A.400.200. The audit must also include a review of the expenditure schedule and supporting documentation required by RCW 28A.320.330(1)(c).

(2) If an audit under subsection (1) of this section results in findings that a school district has failed to comply with these requirements, then within ninety days of completing the audit the auditor must report the findings to the superintendent of public instruction, the office of financial management, and the education and operating budget committees of the legislature. If the

superintendent of public instruction receives a report of findings from the state auditor that an expenditure of a school district is out of compliance with the requirements of RCW 28A.150.276, and the finding is not resolved in the subsequent audit, the maximum taxes levied for collection by the school district under RCW 84.52.0531 in the following calendar year shall be reduced by the expenditure amount identified by the state auditor.

(3) The use of the state allocation provided for professional learning under RCW 28A.150.415 must be audited as part of the regular financial audits of school districts by the state auditor's office to ensure compliance with the limitations and conditions of RCW 28A.150.415."

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Wellman moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5313.

Senator Wellman spoke in favor of the motion.

Senators Braun, Padden and Mullet spoke against the motion.

Senator Palumbo spoke on the motion to concur.

The President declared the question before the Senate to be the motion by Senator Wellman that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5313.

The motion by Senator Wellman carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5313 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5313, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5313, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Liias, Lovelett, McCoy, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Hobbs, Holy, Honeyford, King, Mullet, O'Ban, Padden, Palumbo, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senator Rivers

ENGROSSED SUBSTITUTE SENATE BILL NO. 5313, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:

The House passed SENATE BILL NO. 6025 with the following amendment(s): 6025 AMH WALJ ZOLL 070

On page 5, after line 33, insert the following:

"NEW SECTION. **Sec. 3.** The exemptions in this act apply to any public records requests made prior to the effective date of this act for which the disclosure of records has not already occurred."

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

Correct the title.

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Senate Bill No. 6025.

Senators Honeyford and Hunt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Senate Bill No. 6025.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6025 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6025, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6025, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Bailey, Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Randall, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Carlyle, Frockt, Palumbo and Pedersen

Excused: Senator Rivers

SENATE BILL NO. 6025, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1873, by House Committee on Appropriations (originally sponsored by Pollet, Harris, Cody, Robinson, Tarleton, Frame, Bergquist, Ryu, Kilduff, Macri, Stonier, Dolan, Orwall, Doglio, Senn, Stanford, Appleton, Callan, Wylie, Peterson, Valdez, Walen, Leavitt, Kloba and Lovick)

Concerning the taxation of vapor products as tobacco products.

The measure was read the second time.

MOTION

ONE HUNDRED FIFTH DAY, APRIL 28, 2019

2019 REGULAR SESSION

Senator Kuderer moved that the following committee striking amendment by the Committee on Ways & Means be not adopted:

Strike everything after the enacting clause and insert the following:"

**Part I
Tax on Vapor Products**

NEW SECTION. Sec. 101. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accessible container" means a container that is intended to be opened. The term does not mean a closed cartridge or closed container that is not intended to be opened such as a disposable e-cigarette.

(2) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(3) "Board" means the Washington state liquor and cannabis board.

(4) "Business" means any trade, occupation, activity, or enterprise engaged in selling or distributing vapor products in this state.

(5) "Distributor" mean any person:

(a) Engaged in the business of selling vapor products in this state who brings, or causes to be brought, into this state from outside the state any vapor products for sale;

(b) Who makes, manufactures, fabricates, or stores vapor products in this state for sale in this state;

(c) Engaged in the business of selling vapor products outside this state who ships or transports vapor products to retailers or consumers in this state; or

(d) Engaged in the business of selling vapor products in this state who handles for sale any vapor products that are within this state but upon which tax has not been imposed.

(6) "Indian country" has the same meaning as provided in RCW 82.24.010.

(7) "Manufacturer" has the same meaning as provided in RCW 70.345.010.

(8) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's vapor products and includes employees and independent contractors.

(9) "Person" means: Any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, corporation, limited liability company, association, or society; the state and its departments and institutions; any political subdivision of the state of Washington; and any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. Except as provided otherwise in this chapter, "person" does not include any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(10) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, or train.

(11) "Retail outlet" has the same meaning as provided in RCW 70.345.010.

(12) "Retailer" has the same meaning as provided in RCW 70.345.010.

(13) "Sale" has the same meaning as provided in RCW 70.345.010.

(14) "Taxpayer" means a person liable for the tax imposed by this chapter.

(15) "Vapor product" means any noncombustible product containing a solution that contains nicotine, which employs a mechanical heating element, battery, or electronic circuit regardless of shape or size that can be used to produce vapor from the solution, including an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. This term also includes liquid nicotine and any solution containing nicotine regardless of the type of cartridge or container in which it is sold.

(a) The term does not include:

(i) Any product approved by the United States food and drug administration for sale as a tobacco cessation product, medical device, or for other therapeutic purposes when such product is marketed and sold solely for such an approved purpose;

(ii) Any product that will become an ingredient or component in a vapor product manufactured by a distributor; or

(iii) Any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(b) For purposes of this subsection (15):

(i) "Cigarette" has the same meaning as provided in RCW 82.24.010; and

(ii) "Marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

NEW SECTION. Sec. 102. (1)(a) There is levied and collected a tax upon the sale, use, consumption, handling, possession, or distribution of all vapor products in this state as follows:

(i) All vapor products other than those taxed under (a)(ii) of this subsection are taxed at a rate equal to twenty-four cents per milliliter of liquid nicotine or solution containing nicotine, and a proportionate tax at the like rate on all fractional parts of a milliliter thereof.

(ii) Any accessible container of liquid nicotine, or solution containing nicotine, that is greater than five milliliters, is taxed at a rate equal to eight cents per milliliter of liquid or solution and a proportionate tax at the like rate on all fractional parts of a milliliter thereof.

(b) The tax in this section must be imposed based on the volume of the solution as listed by the manufacturer.

(2)(a) The tax under this section must be collected at the time the distributor: (i) Brings, or causes to be brought, into this state from without the state vapor products for sale; (ii) makes, manufactures, fabricates, or stores vapor products in this state for sale in this state; (iii) ships or transports vapor products to retailers or consumers in this state; or (iv) handles for sale any vapor products that are within this state but upon which tax has not been imposed.

(b) The tax imposed under this section must also be collected by the department from the consumer of vapor products where the tax imposed under this section was not paid by the distributor on such vapor products.

(3)(a) The moneys collected under this section must be deposited as follows:

(i) Fifty percent into the Andy Hill cancer research fund created in RCW 43.348.060; and

(ii) Fifty percent into the foundational public health services account created in section 103 of this act.

(b) The funding provided under this subsection is intended to supplement and not supplant general fund investments in cancer research and foundational public health services.

NEW SECTION. Sec. 103. The foundational public health services account is created in the state treasury. Half of all of the moneys collected from the tax imposed on vapor products under RCW 66.44.010 and half of all moneys collected on the tax imposed on heated tobacco products under RCW 82.26.020 must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account are to be used for the following purposes:

(1) To fund foundational health services. In the 2019-2021 biennium, at least twelve million dollars of the funds deposited into the account must be appropriated for this purpose. Beginning in the 2021-2023 biennium, fifty percent of the funds deposited into the account, but not less than twelve million dollars each biennium, are to be used for this purpose;

(2) To fund tobacco, vapor product, and nicotine control and prevention, and other substance use prevention and education. Beginning in the 2021-2023 biennium, seventeen percent of the funds deposited into the account are to be used for this purpose;

(3) To support increased access and training of public health professionals at public health programs at accredited public institutions of higher education in Washington. Beginning in the 2021-2023 biennium, five percent of the funds deposited into the account are to be used for this purpose;

(4) To fund enforcement by the state liquor and cannabis board of the provisions of this chapter to prevent sales of vapor products to minors and related provisions for control of marketing and product safety, provided that no more than eight percent of the funds deposited into the account may be appropriated for these enforcement purposes.

NEW SECTION. Sec. 104. It is the intent and purpose of this chapter to levy a tax on all vapor products sold, used, consumed, handled, possessed, or distributed within this state. It is the further intent and purpose of this chapter to impose the tax only once on all vapor products in this state. Nothing in this chapter may be construed to exempt any person taxable under any other law or under any other tax imposed under this title.

NEW SECTION. Sec. 105. The tax imposed by section 102 of this act does not apply with respect to any vapor products which under the Constitution and laws of the United States may not be made the subject of taxation by this state.

NEW SECTION. Sec. 106. (1) Every distributor must keep at each place of business complete and accurate records for that place of business, including itemized invoices, of vapor products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of vapor products made.

(2) These records must show the names and addresses of purchasers, the inventory of all vapor products, and other pertinent papers and documents relating to the purchase, sale, or disposition of vapor products. All invoices and other records required by this section to be kept must be preserved for a period of five years from the date of the invoices or other documents or the date of the entries appearing in the records.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the vapor products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees are denied free access or are hindered or interfered with in making such examination, the registration certificate issued under RCW 82.32.030 of the distributor at such premises are subject to revocation by the department, and any licenses

issued under chapter 70.345, 82.26, or 82.24 RCW are subject to suspension or revocation by the board.

NEW SECTION. Sec. 107. Every person required to be licensed under chapter 70.345 RCW who sells vapor products to persons other than the ultimate consumer must render with each sale itemized invoices showing the seller's name and address, the purchaser's name and address, the date of sale, and all prices. The person must preserve legible copies of all such invoices for five years from the date of sale.

NEW SECTION. Sec. 108. (1) Every retailer must procure itemized invoices of all vapor products purchased. The invoices must show the seller's name and address, the date of purchase, and all prices and discounts.

(2) The retailer must keep at each retail outlet copies of complete, accurate, and legible invoices for that retail outlet or place of business. All invoices required to be kept under this section must be preserved for five years from the date of purchase.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any retail outlet without a search warrant, and inspect the premises for invoices required to be kept under this section and the vapor products contained in the retail outlet, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees are denied free access or are hindered or interfered with in making the inspection, the registration certificate issued under RCW 82.32.030 of the retailer at the premises is subject to revocation by the department, and any licenses issued under chapter 70.345, 82.26, or 82.24 RCW are subject to suspension or revocation by the board.

NEW SECTION. Sec. 109. (1)(a) Where vapor products upon which the tax imposed by this chapter has been reported and paid are shipped or transported outside this state by the distributor to a person engaged in the business of selling vapor products, to be sold by that person, or are returned to the manufacturer by the distributor or destroyed by the distributor, or are sold by the distributor to the United States or any of its agencies or instrumentalities, or are sold by the distributor to any Indian tribal organization, credit of such tax may be made to the distributor in accordance with rules prescribed by the department.

(b) For purposes of this subsection (1), the following definitions apply:

(i) "Indian distributor" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "distributor" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(ii) "Indian retailer" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "retailer" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(iii) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian distributor or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country.

(2) Credit allowed under this section must be determined based on the tax rate in effect for the period for which the tax imposed by this chapter, for which a credit is sought, was paid.

NEW SECTION. Sec. 110. All of the provisions contained in chapter 82.32 RCW not inconsistent with the provisions of this

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chapter have full force and application with respect to taxes imposed under the provisions of this chapter.

NEW SECTION. Sec. 111. The department must authorize, as duly authorized agents, enforcement officers of the board to enforce provisions of this chapter. These officers are not employees of the department.

NEW SECTION. Sec. 112. (1) The department may by rule establish the invoice detail required under section 106 of this act for a distributor and for those invoices required to be provided to retailers under section 108 of this act.

(2) If a retailer fails to keep invoices as required under section 108 of this act, the retailer is liable for the tax owed on any uninvoiced vapor products but not penalties and interest, except as provided in subsection (3) of this section.

(3) If the department finds that the nonpayment of tax by the retailer was willful or if in the case of a second or plural nonpayment of tax by the retailer, penalties and interest must be assessed in accordance with chapter 82.32 RCW.

NEW SECTION. Sec. 113. (1) No person may transport or cause to be transported in this state vapor products for sale other than: (a) A licensed distributor under chapter 70.345 RCW, or a manufacturer's representative authorized to sell or distribute vapor products in this state under chapter 70.345 RCW; (b) a licensed retailer under chapter 70.345 RCW; (c) a seller with a valid delivery sale license under chapter 70.345 RCW; or (d) a person who has given notice to the board in advance of the commencement of transportation.

(2) When transporting vapor products for sale, the person must have in his or her actual possession, or cause to have in the actual possession of those persons transporting such vapor products on his or her behalf, invoices or delivery tickets for the vapor products, which must show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the vapor products being transported.

(3) In any case where the department or the board, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting vapor products in violation of this section, the department, board, or peace officer is authorized to stop the vehicle and to inspect it for contraband vapor products.

(4) This section does not apply to a motor carrier or freight forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier as defined in Title 49 U.S.C. Sec. 40102.

NEW SECTION. Sec. 114. The board must compile and maintain a current record of the names of all distributors, retailers, and delivery sales licenses under chapter 70.345 RCW and the status of their license or licenses. The information must be updated on a monthly basis and published on the board's official internet web site. This information is not subject to the confidentiality provisions of RCW 82.32.330 and must be disclosed to manufacturers, distributors, retailers, and the general public upon request.

NEW SECTION. Sec. 115. (1) No person engaged in or conducting business as a distributor or retailer in this state may:

(a) Make, use, or present or exhibit to the department or the board any invoice for any of the vapor products taxed under this chapter that bears an untrue date or falsely states the nature or quantity of the goods invoiced; or

(b) Fail to produce on demand of the department or the board all invoices of all the vapor products taxed under this chapter within five years prior to such demand unless the person can show

by satisfactory proof that the nonproduction of the invoices was due to causes beyond the person's control.

(2)(a) No person, other than a licensed distributor, retailer or delivery sales licensee, or manufacturer's representative, may transport vapor products for sale in this state for which the taxes imposed under this chapter have not been paid unless:

(i) Notice of the transportation has been given as required under section 113 of this act;

(ii) The person transporting the vapor products actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of vapor products being transported; and

(iii) The vapor products are consigned to or purchased by a person in this state who is licensed under chapter 70.345 RCW.

(b) A violation of this subsection (2) is a gross misdemeanor.

(3) Any person licensed under chapter 70.345 RCW as a distributor, and any person licensed under chapter 70.345 RCW as a retailer, may not operate in any other capacity unless the additional appropriate license is first secured, except as otherwise provided by law. A violation of this subsection (3) is a misdemeanor.

(4) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

(5) This section does not apply to a motor carrier or freight forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier as defined in Title 49 U.S.C. Sec. 40102.

NEW SECTION. Sec. 116. (1) A retailer that obtains vapor products from an unlicensed distributor or any other person that is not licensed under chapter 70.345 RCW must be licensed both as a retailer and a distributor and is liable for the tax imposed under section 102 of this act with respect to the vapor products acquired from the unlicensed person that are held for sale, handling, or distribution in this state. For the purposes of this subsection, "person" includes both persons defined in this act and any person immune from state taxation, such as the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(2) Every distributor licensed under chapter 70.345 RCW may sell vapor products to retailers located in Washington only if the retailer has a current retailer's license under chapter 70.345 RCW.

NEW SECTION. Sec. 117. A manufacturer that has manufacturer's representatives who sell or distribute the manufacturer's vapor products in this state must provide the board a list of the names and addresses of all such representatives and must ensure that the list provided to the board is kept current. A manufacturer's representative is not authorized to distribute or sell vapor products in this state unless the manufacturer that hired the representative has a valid distributor's license under chapter 70.345 RCW and that manufacturer provides the board a current list of all of its manufacturer's representatives as required by this section. A manufacturer's representative must carry a copy of the distributor's license of the manufacturer that hired the representative at all times when selling or distributing the manufacturer's vapor products.

NEW SECTION. Sec. 118. (1) Any vapor products in the possession of a person selling vapor products in this state acting as a distributor or retailer and who is not licensed as required under chapter 70.345 RCW, or a person who is selling vapor products in violation of RCW 82.24.550(6), may be seized without a warrant by any agent of the department, agent of the

board, or law enforcement officer of this state. Any vapor products seized under this subsection are deemed forfeited.

(2) Any vapor products in the possession of a person who is not a licensed distributor, delivery seller, manufacturer's representative, or retailer and who transports vapor products for sale without having provided notice to the board required under section 113 of this act, or without invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of vapor products being transported may be seized and are subject to forfeiture.

(3) All conveyances, including aircraft, vehicles, or vessels that are used, or intended for use to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of vapor products under subsection (2) of this section, may be seized and are subject to forfeiture except:

(a) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the vapor products transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(b) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner establishes to have been committed or omitted without his or her knowledge or consent; or

(c) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(4) Property subject to forfeiture under subsections (2) and (3) of this section may be seized by any agent of the department, the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, board, or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(5) This section may not be construed to require the seizure of vapor products if the department's agent, board's agent, or law enforcement officer reasonably believes that the vapor products are possessed for personal consumption by the person in possession of the vapor products.

(6) Any vapor products seized by a law enforcement officer must be turned over to the board as soon as practicable.

(7) This section does not apply to a motor carrier or freight forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier as defined in Title 49 U.S.C. Sec. 40102.

NEW SECTION. Sec. 119. (1) In all cases of seizure of any vapor products made subject to forfeiture under this chapter, the department or board must proceed as provided in RCW 82.24.135.

(2) When vapor products are forfeited under this chapter, the department or board may:

(a) Retain the property for official use or upon application by any law enforcement agency of this state, another state, or the District of Columbia, or of the United States for the exclusive use of enforcing this chapter or the laws of any other state or the District of Columbia or of the United States; or

(b) Sell the vapor products at public auction to the highest bidder after due advertisement. Before delivering any of the goods to the successful bidder, the department or board must

require the purchaser to pay the proper amount of any tax due. The proceeds of the sale must be first applied to the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. The balance of the proceeds and all money must be deposited in the general fund of the state. Proper expenses of investigation include costs incurred by any law enforcement agency or any federal, state, or local agency.

(3) The department or the board may return any property seized under the provisions of this chapter when it is shown that there was no intention to violate the provisions of this chapter. When any property is returned under this section, the department or the board may return the property to the parties from whom they were seized if and when such parties have paid the proper amount of tax due under this chapter.

NEW SECTION. Sec. 120. When the department or the board has good reason to believe that any of the vapor products taxed under this chapter are being kept, sold, offered for sale, or given away in violation of the provisions of this chapter, it may make affidavit of facts describing the place or thing to be searched, before any judge of any court in this state, and the judge must issue a search warrant directed to the sheriff, any deputy, police officer, or duly authorized agent of the department or the board commanding him or her diligently to search any building, room in a building, place, or vehicle as may be designated in the affidavit and search warrant, and to seize the vapor products and hold them until disposed of by law.

NEW SECTION. Sec. 121. (1)(a) Where vapor products upon which the tax imposed by this chapter has been reported and paid are shipped or transported outside this state by the distributor to a person engaged in the business of selling vapor products, to be sold by that person, or are returned to the manufacturer by the distributor or destroyed by the distributor, or are sold by the distributor to the United States or any of its agencies or instrumentalities, or are sold by the distributor to any Indian tribal organization, credit of such tax may be made to the distributor in accordance with rules prescribed by the department.

(b) For purposes of this subsection (1), the following definitions apply:

(i) "Indian distributor" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "distributor" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(ii) "Indian retailer" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "retailer" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(iii) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian distributor or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country.

(2) Credit allowed under this section must be determined based on the tax rate in effect for the period for which the tax imposed by this chapter, for which a credit is sought, was paid.

NEW SECTION. Sec. 122. (1) Preexisting inventories of vapor products are subject to the tax imposed in section 102 of this act. All retailers and other distributors must report the tax due under section 102 of this act on preexisting inventories of vapor products on a form, as prescribed by the department, on or before

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October 31, 2019, and the tax due on such preexisting inventories must be paid on or before January 31, 2020.

(2) Reports under subsection (1) of this section not filed with the department by October 31, 2019, are subject to a late filing penalty equal to the greater of two hundred fifty dollars or ten percent of the tax due under section 102 of this act on the taxpayer's preexisting inventories.

(3) The department must notify the taxpayer of the amount of tax due under section 102 of this act on preexisting inventories, which is subject to applicable penalties under RCW 82.32.090 (2) through (7) if unpaid after January 31, 2020. Amounts due in accordance with this section are not considered to be substantially underpaid for the purposes of RCW 82.32.090(2).

(4) Interest, at the rate provided in RCW 82.32.050(2), must be computed daily beginning February 1, 2020, on any remaining tax due under section 102 of this act on preexisting inventories until paid.

(5) A retailer required to comply with subsection (1) of this section is not required to obtain a distributor license as otherwise required under chapter 70.345 RCW as long as the retailer:

(a) Does not sell vapor products other than to ultimate consumers; and

(b) Does not meet the definition of "distributor" in section 101 of this act other than with respect to the sale of that retailer's preexisting inventory of vapor products.

(6) Taxes may not be collected under section 102 of this act from consumers with respect to any vapor products acquired before the effective date of this section.

(7) For purposes of this section, "preexisting inventory" means an inventory of vapor products located in this state as of the moment that section 102 of this act takes effect and held by a distributor for sale, handling, or distribution in this state.

**Part II
Conforming Amendments**

Sec. 201. RCW 66.08.145 and 2016 sp.s. c 38 s 29 are each amended to read as follows:

(1) The liquor and cannabis board may issue subpoenas in connection with any investigation, hearing, or proceeding for the production of books, records, and documents held under this chapter or chapters 70.155, 70.158, 70.345, 82.24, ~~((and))~~ 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 507 of this act), and books and records of common carriers as defined in RCW 81.80.010, or vehicle rental agencies relating to the transportation or possession of cigarettes, vapor products, or other tobacco products.

(2) The liquor and cannabis board may designate individuals authorized to sign subpoenas.

(3) If any person is served a subpoena from the board for the production of records, documents, and books, and fails or refuses to obey the subpoena for the production of records, documents, and books when required to do so, the person is subject to proceedings for contempt, and the board may institute contempt of court proceedings in the superior court of Thurston county or in the county in which the person resides.

Sec. 202. RCW 66.44.010 and 1998 c 18 s 1 are each amended to read as follows:

(1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor ~~((shall))~~ belong to the county, city or town wherein the

court imposing the fine is located, and ~~((shall))~~ must be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor ~~((= PROVIDED, That))~~. However, all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law ~~((shall))~~ must be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) In addition to any and all other powers granted, the board ~~((shall have))~~ has the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor.

(3) In addition to the other duties under this section, the board ~~((shall))~~ must enforce chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 507 of this act).

(4) The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers ~~((shall))~~ have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They ~~((shall))~~ have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and the provisions of chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 507 of this act). They ~~((shall))~~ have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and the provisions of chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 507 of this act).

Sec. 203. RCW 82.24.510 and 2013 c 144 s 50 are each amended to read as follows:

(1) The licenses issuable under this chapter are as follows:

- (a) A wholesaler's license.
- (b) A retailer's license.

(2) Application for the licenses must be made through the business licensing system under chapter 19.02 RCW. The board must adopt rules regarding the regulation of the licenses. The board may refrain from the issuance of any license under this chapter if the board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a wholesaler's license or retailer's license and for considering the denial, suspension, or revocation of any such license, the board may consider any prior criminal conduct of the applicant, including an administrative violation history record with the board and a criminal history record information check within the previous five years, in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to such cases. The board may, in its discretion, grant or refuse the wholesaler's license or retailer's license, subject to the provisions of RCW 82.24.550.

(3) No person may qualify for a wholesaler's license or a retailer's license under this section without first undergoing a

criminal background check. The background check must be performed by the board and must disclose any criminal conduct within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. A person who possesses a valid license on July 22, 2001, is subject to this subsection and subsection (2) of this section beginning on the date of the person's business license expiration under chapter 19.02 RCW, and thereafter. If the applicant or licensee also has a license issued under chapter 66.24 ~~((or))~~, 82.26, or 70.345 RCW, the background check done under the authority of chapter 66.24 ~~((or))~~, 82.26, or 70.345 RCW satisfies the requirements of this section.

(4) Each such license expires on the business license expiration date, and each such license must be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the board made pursuant thereto.

(5) Each license and any other evidence of the license that the board requires must be exhibited in each place of business for which it is issued and in the manner required for the display of a business license.

Sec. 204. RCW 82.24.550 and 2015 c 86 s 307 are each amended to read as follows:

(1) The board must enforce the provisions of this chapter. The board may adopt, amend, and repeal rules necessary to enforce the provisions of this chapter.

(2) The department may adopt, amend, and repeal rules necessary to administer the provisions of this chapter. The board may revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(3) A license may not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the board. The board, upon finding that the licensee has failed to comply with any provision of this chapter or any rule adopted under this chapter, must, in the case of the first offense, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or further offense, must suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the board finds the licensee has been guilty of willful and persistent violations, it may revoke the license or licenses.

(4) Any licenses issued under chapter 82.26 or 70.345 RCW to a person whose license or licenses have been suspended or revoked under this section must also be suspended or revoked during the period of suspension or revocation under this section.

(5) Any person whose license or licenses have been revoked under this section may reapply to the board at the expiration of one year from the date of revocation of the license or licenses. The license or licenses may be approved by the board if it appears to the satisfaction of the board that the licensee will comply with the provisions of this chapter and the rules adopted under this chapter.

(6) A person whose license has been suspended or revoked may not sell cigarettes, vapor products, or tobacco products or permit cigarettes, vapor products, or tobacco products to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(7) Any determination and order by the board, and any order of suspension or revocation by the board of the license or licenses issued under this chapter, or refusal to reinstate a license or licenses after revocation is reviewable by an appeal to the superior

court of Thurston county. The superior court must review the order or ruling of the board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the board.

(8) If the board makes an initial decision to deny a license or renewal, or suspend or revoke a license, the applicant may request a hearing subject to the applicable provisions under Title 34 RCW.

(9) For purposes of this section~~(s)~~:

(a) "Tobacco products" has the same meaning as provided in RCW 82.26.010; and

(b) "Vapor products" has the same meaning as provided in section 101 of this act.

Sec. 205. RCW 82.26.060 and 2009 c 154 s 3 are each amended to read as follows:

(1) Every distributor ~~((shall))~~ must keep at each place of business complete and accurate records for that place of business, including itemized invoices, of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of tobacco products made.

(2) These records ~~((shall))~~ must show the names and addresses of purchasers, the inventory of all tobacco products, and other pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products. All invoices and other records required by this section to be kept ~~((shall))~~ must be preserved for a period of five years from the date of the invoices or other documents or the date of the entries appearing in the records.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the tobacco products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees, are denied free access or are hindered or interfered with in making such examination, the registration certificate issued under RCW 82.32.030 of the distributor at such premises ~~((shall be))~~ is subject to revocation, and any licenses issued under this chapter or chapter 82.24 or 70.345 RCW are subject to suspension or revocation, by the department or board.

Sec. 206. RCW 82.26.080 and 2005 c 180 s 5 are each amended to read as follows:

(1) Every retailer ~~((shall))~~ must procure itemized invoices of all tobacco products purchased. The invoices ~~((shall))~~ must show the seller's name and address, the date of purchase, and all prices and discounts.

(2) The retailer ~~((shall))~~ must keep at each retail outlet copies of complete, accurate, and legible invoices for that retail outlet or place of business. All invoices required to be kept under this section ~~((shall))~~ must be preserved for five years from the date of purchase.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any retail outlet without a search warrant, and inspect the premises for invoices required to be kept under this section and the tobacco products contained in the retail outlet, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees, are denied free access or are hindered or interfered with in making the inspection, the registration certificate issued under RCW 82.32.030 of the retailer at the premises is subject to revocation, and any licenses issued under this chapter or chapter 82.24 or

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70.345 RCW are subject to suspension or revocation by the department.

Sec. 207. RCW 82.26.150 and 2013 c 144 s 52 are each amended to read as follows:

(1) The licenses issuable by the board under this chapter are as follows:

- (a) A distributor’s license; and
- (b) A retailer’s license.

(2) Application for the licenses must be made through the business licensing system under chapter 19.02 RCW. The board may adopt rules regarding the regulation of the licenses. The board may refuse to issue any license under this chapter if the board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a distributor’s license or retailer’s license and for considering the denial, suspension, or revocation of any such license, the board may consider criminal conduct of the applicant, including an administrative violation history record with the board and a criminal history record information check within the previous five years, in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to such cases. The board may, in its discretion, issue or refuse to issue the distributor’s license or retailer’s license, subject to the provisions of RCW 82.26.220.

(3) No person may qualify for a distributor’s license or a retailer’s license under this section without first undergoing a criminal background check. The background check must be performed by the board and must disclose any criminal conduct within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. If the applicant or licensee also has a license issued under chapter 66.24 ~~((or)), 82.24, or 70.345~~ RCW, the background check done under the authority of chapter 66.24, 70.345, or 82.24 RCW satisfies the requirements of this section.

(4) Each license issued under this chapter expires on the business license expiration date. The license must be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the board adopted pursuant to this chapter.

(5) Each license and any other evidence of the license required under this chapter must be exhibited in each place of business for which it is issued and in the manner required for the display of a business license.

Sec. 208. RCW 82.26.220 and 2015 c 86 s 308 are each amended to read as follows:

(1) The board must enforce this chapter. The board may adopt, amend, and repeal rules necessary to enforce this chapter.

(2) The department may adopt, amend, and repeal rules necessary to administer this chapter. The board may revoke or suspend the distributor’s or retailer’s license of any distributor or retailer of tobacco products in the state upon sufficient cause showing a violation of this chapter or upon the failure of the licensee to comply with any of the rules adopted under it.

(3) A license may not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the board. The board, upon finding that the licensee has failed to comply with any provision of this chapter or of any rule adopted under it, must, in the case of the first offense, suspend the license or licenses of the licensee for a period of not less than thirty

consecutive business days, and in the case of a second or further offense, suspend the license or licenses for a period of not less than ninety consecutive business days but not more than twelve months, and in the event the board finds the licensee has been guilty of willful and persistent violations, it may revoke the license or licenses.

(4) Any licenses issued under chapter 82.24 or 70.345 RCW to a person whose license or licenses have been suspended or revoked under this section must also be suspended or revoked during the period of suspension or revocation under this section.

(5) Any person whose license or licenses have been revoked under this section may reapply to the board at the expiration of one year of the license or licenses. The license or licenses may be approved by the board if it appears to the satisfaction of the board that the licensee will comply with the provisions of this chapter and the rules adopted under it.

(6) A person whose license has been suspended or revoked may not sell tobacco products, vapor products, or cigarettes or permit tobacco products, vapor products, or cigarettes to be sold during the period of suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form.

(7) Any determination and order by the board, and any order of suspension or revocation by the board of the license or licenses issued under this chapter, or refusal to reinstate a license or licenses after revocation is reviewable by an appeal to the superior court of Thurston county. The superior court must review the order or ruling of the board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the board.

(8) If the board makes an initial decision to deny a license or renewal, or suspend or revoke a license, the applicant may request a hearing subject to the applicable provisions under Title 34 RCW.

Sec. 209. RCW 82.32.300 and 1997 c 420 s 9 are each amended to read as follows:

(1) The administration of this and chapters 82.04 through 82.27 RCW of this title is vested in the department ~~((of revenue which shall)), which must~~ prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment and collection of taxes and penalties imposed thereunder.

(2) The department ~~((of revenue shall))~~ must make and publish rules and regulations, not inconsistent therewith, necessary to enforce provisions of this chapter and chapters 82.02 through 82.23B and 82.27 RCW, and the liquor ~~((control))~~ and cannabis board ~~((shall))~~ must make and publish rules necessary to enforce chapters 82.24 ~~((and)), 82.26 ((RCW)), and 82.---~~ RCW (the new chapter created in section 507 of this act), which ~~((shall have))~~ has the same force and effect as if specifically included therein, unless declared invalid by the judgment of a court of record not appealed from.

(3) The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees ~~((shall))~~ must be fixed by the department and ~~((shall be))~~ charged to the proper appropriation for the department.

(4) The department ~~((shall))~~ must exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

Sec. 210. RCW 70.345.010 and 2016 sp.s. c 38 s 4 are each amended to read as follows:

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

(1) "Board" means the Washington state liquor and cannabis board.

(2) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing vapor products in this state.

(3) "Child care facility" has the same meaning as provided in RCW 70.140.020.

(4) "Closed system nicotine container" means a sealed, prefilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(5) "Delivery sale" means any sale of a vapor product to a purchaser in this state where either:

(a) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the internet or other online service; or

(b) The vapor product is delivered by use of the mails or of a delivery service. The foregoing sales of vapor products constitute a delivery sale regardless of whether the seller is located within or without this state. "Delivery sale" does not include a sale of any vapor product not for personal consumption to a retailer.

(6) "Delivery seller" means a person who makes delivery sales.

(7) "Distributor" ~~((means any person who:~~

~~(a) Sells vapor products to persons other than ultimate consumers; or~~

~~(b) Is engaged in the business of selling vapor products in this state and who brings, or causes to be brought, into this state from outside of the state any vapor products for sale))~~ has the same meaning as in section 101 of this act.

(8) "Liquid nicotine container" means a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration. "Liquid nicotine container" does not include closed system nicotine containers.

(9) "Manufacturer" means a person who manufactures and sells vapor products.

(10) "Minor" refers to an individual who is less than eighteen years old.

(11) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(12) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale.

(13) "Playground" means any public improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, including but not limited to any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

(14) "Retail outlet" means each place of business from which vapor products are sold to consumers.

(15) "Retailer" means any person engaged in the business of selling vapor products to ultimate consumers.

(16)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling vapor products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(17) "School" has the same meaning as provided in RCW 70.140.020.

(18) "Self-service display" means a display that contains vapor products and is located in an area that is openly accessible to customers and from which customers can readily access such products without the assistance of a salesperson. A display case that holds vapor products behind locked doors does not constitute a self-service display.

(19) "Vapor product" means any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance.

(a) "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(b) "Vapor product" does not include any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(c) For purposes of this subsection (19), "marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

Sec. 211. RCW 70.345.030 and 2016 sp.s. c 38 s 6 are each amended to read as follows:

(1)(a) No person may engage in or conduct business as a retailer, distributor, or delivery seller in this state without a valid license issued under this chapter, except as otherwise provided by law. Any person who sells vapor products to ultimate consumers by a means other than delivery sales must obtain a retailer's license under this chapter. Any person who ~~((sells vapor products to persons other than ultimate consumers or who))~~ meets the definition of distributor under this chapter must obtain a distributor's license under this chapter. Any person who conducts delivery sales of vapor products must obtain a delivery sale license.

(b) A violation of this subsection is punishable as a class C felony according to chapter 9A.20 RCW.

(2) No person engaged in or conducting business as a retailer, distributor, or delivery seller in this state may refuse to allow the enforcement officers of the board, on demand, to make full inspection of any place of business or vehicle where any of the vapor products regulated under this chapter are sold, stored, transported, or handled, or otherwise hinder or prevent such inspection. A person who violates this subsection is guilty of a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, any person licensed under this chapter as a retailer, and any person licensed under this chapter as a delivery seller may not operate in any other capacity unless the additional appropriate license is first secured, except as otherwise provided by law. A violation of this subsection is a misdemeanor.

(4) No person engaged in or conducting business as a retailer, distributor, or delivery seller in this state may sell or give, or permit to sell or give, a product that contains any amount of any cannabinoid, synthetic cannabinoid, cathinone, or methcathinone,

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unless otherwise provided by law. A violation of this subsection (4) is punishable according to RCW 69.50.401.

(5) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

Sec. 212. RCW 70.345.090 and 2016 sp.s. c 38 s 17 are each amended to read as follows:

(1) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person unless such seller has a valid delivery sale license as required under this chapter.

(2) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person under the minimum age required for the legal sale of vapor products as provided under RCW 70.345.140.

(3) A delivery sale licensee must provide notice on its mail order or internet sales forms of the minimum age required for the legal sale of vapor products in Washington state as provided by RCW 70.345.140.

(4) A delivery sale licensee must not accept a purchase or order from any person without first obtaining the full name, birth date, and residential address of that person and verifying this information through an independently operated third-party database or aggregate of databases, which includes data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication.

(5) A delivery sale licensee must accept payment only through a credit or debit card issued in the purchaser's own name. The licensee must verify that the card is issued to the same person identified through identity and age verification procedures in subsection (4) of this section.

(6) Before a delivery sale licensee delivers an initial purchase to any person, the licensee must verify the identity and delivery address of the purchaser by mailing or shipping to the purchaser a notice of sale and certification form confirming that the addressee is in fact the person placing the order. The purchaser must return the signed certification form to the licensee before the initial shipment of product. Certification forms are not required for repeat customers. In the alternative, before a seller delivers an initial purchase to any person, the seller must first obtain from the prospective customer an electronic certification, such as by email, that includes a declaration that, at a minimum, the prospective customer is over the minimum age required for the legal sale of a vapor product, and the credit or debit card used for payment has been issued in the purchaser's name.

(7) A delivery sale licensee must include on shipping documents a clear and conspicuous statement which includes, at a minimum, that the package contains vapor products, Washington law prohibits sales to those under the minimum age established by this chapter, and violations may result in sanctions to both the licensee and the purchaser.

(8) For purposes of this subsection (8), "vapor products" has the same meaning as provided in section 101 of this act.

(9) A person who knowingly violates this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.

~~((9))~~ (10) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state, may seek recovery of the penalty in a civil action in superior court.

~~((40))~~ (11) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of this section and to compel compliance with this section.

~~((41))~~ (12) Any violation of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

~~((42))~~ (13)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

(b) If a court determines that a person has violated this section, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.

~~((43))~~ (14) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.

~~((44))~~ (15) A licensee who violates this section is subject to license suspension or revocation by the board.

~~((45))~~ (16) The board may adopt by rule additional requirements for mail or internet sales.

~~((46))~~ (17) The board must not adopt rules prohibiting internet sales.

Part III Heated Tobacco Products

Sec. 301. RCW 82.24.010 and 2012 2nd sp.s. c 4 s 1 are each amended to read as follows:

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

(1) "Board" means the state liquor ~~((control))~~ and cannabis board.

(2) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state. "Cigarette" includes a roll-your-own cigarette, but does not include a heated tobacco product as defined in RCW 82.26.010.

(3) "Cigarette paper" means any paper or any other material except tobacco, prepared for use as a cigarette wrapper.

(4) "Cigarette tube" means cigarette paper made into a hollow cylinder for use in making cigarettes.

(5) "Commercial cigarette-making machine" means a machine that is operated in a retail establishment and that is capable of being loaded with loose tobacco, cigarette paper or tubes, and any other components related to the production of roll-your-own cigarettes, including filters.

(6) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian wholesaler or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country. For purposes of this chapter "Indian country" is defined in the manner set forth in 18 U.S.C. Sec. 1151.

(7) "Precollection obligation" means the obligation of a seller otherwise exempt from the tax imposed by this chapter to collect the tax from that seller's buyer.

(8) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more

of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate.

(9) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state.

(10) "Roll-your-own cigarettes" means cigarettes produced by a commercial cigarette-making machine.

(11) "Stamp" means the stamp or stamps by use of which the tax levy under this chapter is paid or identification is made of those cigarettes with respect to which no tax is imposed.

(12) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only.

(13) The meaning attributed, in chapter 82.04 RCW, to the words "person," "sale," "business" and "successor" applies equally in this chapter.

Sec. 302. RCW 82.26.010 and 2010 1st sp.s. c 22 s 4 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) "Actual price" means the total amount of consideration for which tobacco products are sold, valued in money, whether received in money or otherwise, including any charges by the seller necessary to complete the sale such as charges for delivery, freight, transportation, or handling.

(2) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(3) "Board" means the state liquor ~~(control)~~ and cannabis board.

(4) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(5) "Cigar" means a roll for smoking that is of any size or shape and that is made wholly or in part of tobacco, irrespective of whether the tobacco is pure or flavored, adulterated or mixed with any other ingredient, if the roll has a wrapper made wholly or in greater part of tobacco. "Cigar" does not include a cigarette.

(6) "Cigarette" has the same meaning as in RCW 82.24.010.

(7) "Department" means the department of revenue.

(8) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers, (d) any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(9) "Heated tobacco product" means a product containing tobacco that produces an inhalable aerosol by:

(a) Heating the tobacco by means of an electronic device without combustion of the tobacco; or

(b) Heat generated from a combustion source that only or primarily heats rather than burns the tobacco.

(10) "Indian country" means the same as defined in chapter 82.24 RCW.

~~((40))~~ (11) "Little cigar" means a cigar that has a cellulose acetate integrated filter.

~~((44))~~ (12) "Manufacturer" means a person who manufactures and sells tobacco products.

~~((42))~~ (13) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's tobacco products, and includes employees and independent contractors.

~~((43))~~ (14) "Moist snuff" means tobacco that is finely cut, ground, or powdered; is not for smoking; and is intended to be placed in the oral, but not the nasal, cavity.

~~((44))~~ (15) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

~~((45))~~ (16) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, train, or vending machine.

~~((46))~~ (17) "Retail outlet" means each place of business from which tobacco products are sold to consumers.

~~((47))~~ (18) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers.

~~((48))~~ (19)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling tobacco products, for advertising, promoting, or as a means of evading the provisions of this chapter.

~~((49))~~ (20)(a) "Taxable sales price" means:

(i) In the case of a taxpayer that is not affiliated with the manufacturer, distributor, or other person from whom the taxpayer purchased tobacco products, the actual price for which the taxpayer purchased the tobacco products;

(ii) In the case of a taxpayer that purchases tobacco products from an affiliated manufacturer, affiliated distributor, or other affiliated person, and that sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers, the actual price for which that taxpayer sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iii) In the case of a taxpayer that sells tobacco products only to affiliated distributors or affiliated retailers, the price, determined as nearly as possible according to the actual price, that other distributors sell similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iv) In the case of a taxpayer that is a manufacturer selling tobacco products directly to ultimate consumers, the actual price for which the taxpayer sells those tobacco products to ultimate consumers;

(v) In the case of a taxpayer that has acquired tobacco products under a sale as defined in subsection ~~((48))~~ (19)(b) of this section, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers; or

(vi) In any case where (a)(i) through (v) of this subsection do not apply, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality

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and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers.

(b) For purposes of (a)(i) and (ii) of this subsection only, "person" includes both persons as defined in subsection ~~((14))~~ (15) of this section and any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(c) The department may adopt rules regarding the determination of taxable sales price under this subsection.

~~((20))~~ (21) "Taxpayer" means a person liable for the tax imposed by this chapter.

~~((21))~~ (22) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and any other product, regardless of form, that contains tobacco and is intended for human consumption or placement in the oral or nasal cavity or absorption into the human body by any other means, including heated tobacco products as defined in subsection (9) of this section, but does not include cigarettes as defined in RCW 82.24.010.

~~((22))~~ (23) "Unaffiliated distributor" means a distributor that is not affiliated with the manufacturer, distributor, or other person from whom the distributor has purchased tobacco products.

~~((23))~~ (24) "Unaffiliated retailer" means a retailer that is not affiliated with the manufacturer, distributor, or other person from whom the retailer has purchased tobacco products.

Sec. 303. RCW 82.26.020 and 2010 1st sp.s. c 22 s 5 are each amended to read as follows:

(1) There is levied and collected a tax upon the sale, handling, or distribution of all tobacco products in this state at the following rate:

(a) For cigars except little cigars, ninety-five percent of the taxable sales price of cigars, not to exceed sixty-five cents per cigar;

(b) For all tobacco products except those covered under separate provisions of this subsection, ninety-five percent of the taxable sales price;

(c) For moist snuff, as established in this subsection (1)(c) and computed on the net weight listed by the manufacturer:

(i) On each single unit consumer-sized can or package whose net weight is one and two-tenths ounces or less, a rate per single unit that is equal to the greater of 2.526 dollars or eighty-three and one-half percent of the cigarette tax under chapter 82.24 RCW multiplied by twenty; or

(ii) On each single unit consumer-sized can or package whose net weight is more than one and two-tenths ounces, a proportionate tax at the rate established in (c)(i) of this subsection (1) on each ounce or fractional part of an ounce; and

(d) For little cigars, an amount per cigar equal to the cigarette tax under chapter 82.24 RCW.

(2) The tax imposed on a product under this chapter must be reduced by fifty percent if that same product is issued a modified risk tobacco product order by the secretary of the United States department of health and human services pursuant to Title 21 U.S.C. Sec. 387k(g)(1), or by twenty-five percent if that same product is issued a modified risk tobacco product order by the secretary of the United States department of health and human services pursuant to Title 21 U.S.C. Sec. 387k(g)(2).

(3) Taxes under this section must be imposed at the time the distributor (a) brings, or causes to be brought, into this state from

without the state tobacco products for sale, (b) makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers, or (d) handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

~~((3) The moneys collected under this section must be deposited into the state general fund.)~~ (4)(a) Except as provided in (b) of this subsection, the moneys collected under this section must be deposited into the state general fund.

(b) The moneys collected on heated tobacco products under subsection (1)(b) of this section must be deposited as follows:

(i) Fifty percent into the Andy Hill cancer research fund created in RCW 43.348.060; and

(ii) Fifty percent into the foundational public health services account created in section 103 of this act.

(c) The funding provided under (b) of this subsection is intended to supplement and not supplant general fund investments in cancer research and foundational public health services.

Part IV Tribal Compacting

Sec. 401. RCW 43.06.450 and 2001 c 235 s 1 are each amended to read as follows:

The legislature intends to further the government-to-government relationship between the state of Washington and Indians in the state of Washington by authorizing the governor to enter into contracts concerning the sale of cigarettes and vapor products. The legislature finds that these cigarette tax and vapor product tax contracts will provide a means to promote economic development, provide needed revenues for tribal governments and Indian persons, and enhance enforcement of the state's cigarette tax ~~(law)~~ and vapor product tax, ultimately saving the state money and reducing conflict. In addition, it is the intent of the legislature that the negotiations and the ensuing contracts ~~(shall)~~ have no impact on the state's share of the proceeds under the master settlement agreement entered into on November 23, 1998, by the state. Chapter 235, Laws of 2001 ~~(does)~~ and this act do not constitute a grant of taxing authority to any Indian tribe nor ~~(does it)~~ do they provide precedent for the taxation of non-Indians on fee land.

NEW SECTION. **Sec. 402.** A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into vapor product tax contracts concerning the sale of vapor products. All vapor product tax contracts must meet the requirements for vapor product tax contracts under this section.

(2) Vapor product tax contracts must be in regard to retail sales in which Indian retailers make delivery and physical transfer of possession of the vapor products from the seller to the buyer within Indian country, and are not in regard to transactions by non-Indian retailers. In addition, contracts must provide that retailers may not sell or give, or permit to be sold or given, vapor products to any person who is under the state legal age for the purchase of vapor products.

(3) A vapor product tax contract with a tribe must provide for a tribal vapor product tax in lieu of all state vapor product taxes and state and local sales and use taxes on sales of vapor products in Indian country by Indian retailers. The tribe may allow an exemption for sales to tribal members.

(4) Vapor product tax contracts must provide that retailers must purchase vapor products only from:

(a) Wholesalers or manufacturers licensed to do business in the state of Washington;

(b) Out-of-state wholesalers or manufacturers who, although not licensed to do business in the state of Washington, agree to comply with the terms of the vapor product tax contract, are certified to the state as having so agreed, and do in fact so comply. However, the state may in its sole discretion exercise its administrative and enforcement powers over such wholesalers or manufacturers to the extent permitted by law;

(c) A tribal wholesaler that purchases only from a wholesaler or manufacturer described in (a), (b), or (d) of this subsection; and

(d) A tribal manufacturer.

(5) Vapor product tax contracts must be for renewable periods of no more than eight years.

(6) Vapor product tax contracts must include provisions for compliance, such as transport and notice requirements, inspection procedures, recordkeeping, and audit requirements.

(7) Tax revenue retained by a tribe must be used for essential government services. Use of tax revenue for subsidization of vapor products and food retailers is prohibited.

(8) The vapor product tax contract may include provisions to resolve disputes using a nonjudicial process, such as mediation.

(9) The governor may delegate the power to negotiate vapor product tax contracts to the department of revenue. The department of revenue must consult with the liquor and cannabis board during the negotiations.

(10) Information received by the state or open to state review under the terms of a contract is subject to the provisions of RCW 82.32.330.

(11) It is the intent of the legislature that the liquor and cannabis board and the department of revenue continue the division of duties and shared authority under chapter 82.--- RCW (the new chapter created in section 507 of this act) and therefore the liquor and cannabis board is responsible for enforcement activities that come under the terms of chapter 82.--- RCW (the new chapter created in section 507 of this act).

(12) Each vapor product tax contract must include a procedure for notifying the other party that a violation has occurred, a procedure for establishing whether a violation has in fact occurred, an opportunity to correct such violation, and a provision providing for termination of the contract should the violation fail to be resolved through this process, such termination subject to mediation should the terms of the contract so allow. A contract must provide for termination of the contract if resolution of a dispute does not occur within twenty-four months from the time notification of a violation has occurred. Intervening violations do not extend this time period. In addition, the contract must include provisions delineating the respective roles and responsibilities of the tribe, the department of revenue, and the liquor and cannabis board.

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

(a) "Essential government services" means services such as tribal administration, public facilities, fire, police, public health, education, job services, sewer, water, environmental and land use, transportation, utility services, and economic development.

(b) "Indian country" has the same meaning as provided in RCW 82.24.010.

(c) "Indian retailer" or "retailer" means:

(i) A retailer wholly owned and operated by an Indian tribe;

(ii) A business wholly owned and operated by a tribal member and licensed by the tribe; or

(iii) A business owned and operated by the Indian person or persons in whose name the land is held in trust.

(d) "Indian tribe" or "tribe" means a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

(e) "Vapor products" has the same meaning as provided in section 101 of this act.

NEW SECTION. Sec. 403. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor is authorized to enter into vapor product tax contracts with federally recognized Indian tribes located within the geographical boundaries of the state of Washington. Each contract adopted under this section must provide that the tribal vapor product tax rate be one hundred percent of the state vapor product tax and state and local sales and use taxes. The tribal vapor product tax is in lieu of the state vapor product tax and state and local sales and use taxes, as provided in section 402(3) of this act.

(2) A vapor product tax contract under this section is subject to section 402 of this act and is separate from a cigarette tax contract subject to RCW 43.06.455 or 43.06.466.

NEW SECTION. Sec. 404. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into a vapor product tax agreement with the Puyallup Tribe of Indians concerning the sale of vapor products, subject to the limitations in this section. The legislature intends to address the uniqueness of the Puyallup Indian reservation and its selling environment through pricing and compliance strategies, rather than through the imposition of equivalent taxes. The governor may delegate the authority to negotiate a vapor product tax agreement with the Puyallup Tribe to the department of revenue. The department of revenue must consult with the liquor and cannabis board during the negotiations. An agreement under this section is separate from an agreement under RCW 43.06.465.

(2) Any agreement must require the tribe to impose a tribal vapor product tax with a tax rate that is ninety percent of the state vapor product tax. This tribal tax is in lieu of the combined state and local sales and use taxes and the state vapor product tax, and as such these state taxes are not imposed during the term of the agreement on any transaction governed by the agreement. The tribal vapor product tax must increase or decrease at the time of any increase or decrease in the state vapor product tax so as to remain at a level that is ninety percent of the rate of the state vapor product tax.

(3) The agreement must include a provision requiring the tribe to transmit thirty percent of the tribal tax revenue on all vapor products sales to the state. The funds must be transmitted to the state treasurer on a quarterly basis for deposit by the state treasurer into the general fund. The remaining tribal tax revenue must be used for essential government services, as that term is defined in section 402 of this act.

(4) The agreement is limited to retail sales in which Indian retailers make delivery and physical transfer of possession of the vapor products from the seller to the buyer within Indian country, and are not in regard to transactions by non-Indian retailers. In addition, agreements must provide that retailers may not sell or give, or permit to be sold or given, vapor products to any person who is under the state legal age for the purchase of vapor products.

(5)(a) The agreement must include a provision to price and sell the vapor products so that the retail selling price is not less than the price paid by the retailer for the vapor products.

(b) The tribal tax is in addition to the retail selling price.

(c) The agreement must include a provision to assure the price paid to the retailer includes the tribal tax.

(d) If the tribe is acting as a distributor to tribal retailers, the retail selling price must not be less than the price the tribe paid for such vapor products plus the tribal tax.

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(6)(a) The agreement must include provisions regarding enforcement and compliance by the tribe in regard to enrolled tribal members who sell vapor products and must describe the individual and joint responsibilities of the tribe, the department of revenue, and the liquor and cannabis board.

(b) The agreement must include provisions for tax administration and compliance, such as transport and notice requirements, inspection procedures, recordkeeping, and audit requirements.

(c) The agreement must include provisions for sharing of information among the tribe, the department of revenue, and the liquor and cannabis board.

(7) The agreement must provide that retailers must purchase vapor products only from distributors or manufacturers licensed to do business in the state of Washington.

(8) The agreement must be for a renewable period of no more than eight years.

(9) The agreement must include provisions to resolve disputes using a nonjudicial process, such as mediation, and must include a dispute resolution protocol. The protocol must include a procedure for notifying the other party that a violation has occurred, a procedure for establishing whether a violation has in fact occurred, an opportunity to correct such violation, and a provision providing for termination of the agreement should the violation fail to be resolved through this process, such termination subject to mediation should the terms of the agreement so allow. An agreement must provide for termination of the agreement if resolution of a dispute does not occur within twenty-four months from the time notification of a violation has occurred. Intervening violations do not extend this time period.

(10) Information received by the state or open to state review under the terms of an agreement is subject to RCW 82.32.330.

(11) It is the intent of the legislature that the liquor and cannabis board and the department of revenue continue the division of duties and shared authority under chapter 82.--- RCW (the new chapter created in section 507 of this act).

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

(a) "Indian country" has the same meaning as provided in RCW 82.24.010.

(b) "Indian retailer" or "retailer" means:

- (i) A retailer wholly owned and operated by an Indian tribe; or
- (ii) A business wholly owned and operated by an enrolled tribal member and licensed by the tribe.

(c) "Indian tribe" or "tribe" means the Puyallup Tribe of Indians, which is a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

(d) "Vapor products" has the same meaning as provided in section 101 of this act.

NEW SECTION. Sec. 405. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of vapor products by an Indian retailer during the effective period of a vapor product tax contract subject to section 403 of this act or a vapor product tax agreement under section 404 of this act.

(2) The definitions in section 402 of this act apply to this section.

NEW SECTION. Sec. 406. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of vapor products sold by an Indian retailer during the effective period of a vapor product tax contract subject to section 403 of this act or a vapor product tax agreement under section 404 of this act.

(2) The definitions in section 402 of this act apply to this section.

**Part V
Miscellaneous Provisions**

NEW SECTION. Sec. 501. A new section is added to chapter 82.32 RCW to read as follows:

(1) By October 15, 2020, and by each October 15th thereafter, the department must estimate any increase in state general fund revenue collections for the immediately preceding fiscal year resulting from the taxes imposed in chapter . . . , Laws of 2019 (this act). The department must promptly notify the state treasurer of these estimated amounts.

(2) Beginning November 1, 2020, and by each November 1st thereafter, the state treasurer must transfer from the general fund the estimated amount determined by the department under subsection (1) of this section for the immediately preceding fiscal year as follows:

(a) Fifty percent into the Andy Hill cancer research fund created in RCW 43.348.060; and

(b) Fifty percent into the foundational public health services account created in section 103 of this act.

(3) The department may not make any adjustments to an estimate under subsection (1) of this section after the state treasurer makes the corresponding distribution under subsection (2) of this section based on the department's estimate.

NEW SECTION. Sec. 502. RCW 43.348.900 (Expiration of chapter) and 2015 3rd sp.s. c 34 s 10 are each repealed.

Sec. 503. RCW 43.348.080 and 2018 c 4 s 8 are each amended to read as follows:

(1) The Andy Hill cancer research endowment fund match transfer account is created in the custody of the ~~((state treasurer as a nonappropriated account to be used solely and exclusively for the program created in RCW 43.348.040. The purpose of the account is to provide matching funds for the fund and administrative costs. Expenditures to fund or reimburse the program administrator are not subject to the requirements of subsection (4) of this section.~~

~~(2) Revenues to the account must consist of deposits into the account, legislative appropriations, and any gifts, grants, or donations received by the department for this purpose.~~

~~(3) The legislature must appropriate a state match, up to a maximum of ten million dollars annually, beginning July 1, 2016, and each July 1st following the end of the fiscal year from tax collections and penalties generated from enforcement of state taxes on cigarettes and other tobacco products by the state liquor and cannabis board or other federal, state or local law or tax enforcement agency, as determined by the department of revenue. Tax collections include any cigarette tax, other tobacco product tax, and retail sales and use tax.~~

~~(4) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the program administrator of nonstate or private contributions to the fund for the program. Expenditures, in the form of matching funds, may not exceed the total amount of nonstate or private contributions.~~

~~(5) Only the director of the department or the director's designee may authorize expenditures from the Andy Hill cancer research endowment fund match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (4) of this section.~~

~~(6) The department must enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.) state treasury to be used solely and exclusively for the program created in RCW~~

43.348.040. Moneys in the account may be spent only after appropriation. The purpose of the account is to provide matching funds for the fund and administrative costs. Expenditures to fund or reimburse the program administrator are not subject to the requirements of subsection (4) of this section.

(2) Revenues to the account must consist of deposits into the account, taxes imposed on vapor products under RCW 66.44.010 and on heated tobacco products under RCW 82.26.020, legislative appropriations, and any gifts, grants, or donations received by the department for this purpose.

(3) Each fiscal biennium, the legislature must appropriate to the department of commerce such amounts as estimated to be the balance of the account to provide state matching funds.

(4) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the program administrator of nonstate or private contributions to the fund for the program. Expenditures, in the form of matching funds, may not exceed the total amount of nonstate or private contributions.

(5) The department must enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

NEW SECTION. Sec. 504. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 505. 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. 506. 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 conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 507. Part I of this act constitutes a new chapter in Title 82 RCW.

NEW SECTION. Sec. 508. This act takes effect October 1, 2019."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 66.08.145, 66.44.010, 82.24.510, 82.24.550, 82.26.060, 82.26.080, 82.26.150, 82.26.220, 82.32.300, 70.345.010, 70.345.030, 70.345.090, 82.24.010, 82.26.020, 43.06.450, and 43.348.080; reenacting and amending RCW 82.26.010; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 43.348.900; prescribing penalties; and providing an effective date."

The President declared the question before the Senate to be the motion to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1873.

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

MOTION

Senator Braun moved that the following amendment no. 902 by Senators Braun and Kuderer be adopted:

Strike everything after the enacting clause and insert the following:"

Part I
Tax on Vapor Products

NEW SECTION. Sec. 101. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accessible container" means a container that is intended to be opened. The term does not mean a closed cartridge or closed container that is not intended to be opened such as a disposable e-cigarette.

(2) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(3) "Board" means the Washington state liquor and cannabis board.

(4) "Business" means any trade, occupation, activity, or enterprise engaged in selling or distributing vapor products in this state.

(5) "Distributor" mean any person:

(a) Engaged in the business of selling vapor products in this state who brings, or causes to be brought, into this state from outside the state any vapor products for sale;

(b) Who makes, manufactures, fabricates, or stores vapor products in this state for sale in this state;

(c) Engaged in the business of selling vapor products outside this state who ships or transports vapor products to retailers or consumers in this state; or

(d) Engaged in the business of selling vapor products in this state who handles for sale any vapor products that are within this state but upon which tax has not been imposed.

(6) "Indian country" has the same meaning as provided in RCW 82.24.010.

(7) "Manufacturer" has the same meaning as provided in RCW 70.345.010.

(8) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's vapor products and includes employees and independent contractors.

(9) "Person" means: Any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, corporation, limited liability company, association, or society; the state and its departments and institutions; any political subdivision of the state of Washington; and any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. Except as provided otherwise in this chapter, "person" does not include any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(10) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, or train.

(11) "Retail outlet" has the same meaning as provided in RCW 70.345.010.

(12) "Retailer" has the same meaning as provided in RCW 70.345.010.

(13) "Sale" has the same meaning as provided in RCW 70.345.010.

(14) "Taxpayer" means a person liable for the tax imposed by this chapter.

(15) "Vapor product" means any noncombustible product containing a solution or other consumable substance, regardless of whether it contains nicotine, which employs a mechanical heating element, battery, or electronic circuit regardless of shape or size that can be used to produce vapor from the solution or other substance, including an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term also includes any cartridge or other container of liquid nicotine, solution, or other consumable substance, regardless of whether it contains nicotine, that is intended to be used with or in a device that can be used to deliver aerosolized or vaporized nicotine to a person inhaling from the device and is sold for such purpose.

(a) The term does not include:

(i) Any product approved by the United States food and drug administration for sale as a tobacco cessation product, medical device, or for other therapeutic purposes when such product is marketed and sold solely for such an approved purpose;

(ii) Any product that will become an ingredient or component in a vapor product manufactured by a distributor; or

(iii) Any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(b) For purposes of this subsection (15):

(i) "Cigarette" has the same meaning as provided in RCW 82.24.010; and

(ii) "Marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

NEW SECTION. Sec. 102. (1)(a) There is levied and collected a tax upon the sale, use, consumption, handling, possession, or distribution of all vapor products in this state as follows:

(i) All vapor products other than those taxed under (a)(ii) of this subsection are taxed at a rate equal to twenty-seven cents per milliliter of solution, regardless of whether it contains nicotine, and a proportionate tax at the like rate on all fractional parts of a milliliter thereof.

(ii) Any accessible container of solution, regardless of whether it contains nicotine, that is greater than five milliliters, is taxed at a rate equal to nine cents per milliliter of solution and a proportionate tax at the like rate on all fractional parts of a milliliter thereof.

(b) The tax in this section must be imposed based on the volume of the solution as listed by the manufacturer.

(2)(a) The tax under this section must be collected at the time the distributor: (i) Brings, or causes to be brought, into this state from without the state vapor products for sale; (ii) makes, manufactures, fabricates, or stores vapor products in this state for sale in this state; (iii) ships or transports vapor products to retailers or consumers in this state; or (iv) handles for sale any vapor products that are within this state but upon which tax has not been imposed.

(b) The tax imposed under this section must also be collected by the department from the consumer of vapor products where the tax imposed under this section was not paid by the distributor on such vapor products.

(3)(a) The moneys collected under this section must be deposited as follows:

(i) Fifty percent into the Andy Hill cancer research endowment fund match transfer account created in RCW 43.348.080; and

(ii) Fifty percent into the foundational public health services account created in section 103 of this act.

(b) The funding provided under this subsection is intended to supplement and not supplant general fund investments in cancer research and foundational public health services.

NEW SECTION. Sec. 103. The foundational public health services account is created in the state treasury. Half of all of the moneys collected from the tax imposed on vapor products under RCW 66.44.010 must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account are to be used for the following purposes:

(1) To fund foundational health services. In the 2019-2021 biennium, at least twelve million dollars of the funds deposited into the account must be appropriated for this purpose. Beginning in the 2021-2023 biennium, fifty percent of the funds deposited into the account, but not less than twelve million dollars each biennium, are to be used for this purpose;

(2) To fund tobacco, vapor product, and nicotine control and prevention, and other substance use prevention and education. Beginning in the 2021-2023 biennium, seventeen percent of the funds deposited into the account are to be used for this purpose;

(3) To support increased access and training of public health professionals at public health programs at accredited public institutions of higher education in Washington. Beginning in the 2021-2023 biennium, five percent of the funds deposited into the account are to be used for this purpose;

(4) To fund enforcement by the state liquor and cannabis board of the provisions of this chapter to prevent sales of vapor products to minors and related provisions for control of marketing and product safety, provided that no more than eight percent of the funds deposited into the account may be appropriated for these enforcement purposes.

NEW SECTION. Sec. 104. It is the intent and purpose of this chapter to levy a tax on all vapor products sold, used, consumed, handled, possessed, or distributed within this state. It is the further intent and purpose of this chapter to impose the tax only once on all vapor products in this state. Nothing in this chapter may be construed to exempt any person taxable under any other law or under any other tax imposed under this title.

NEW SECTION. Sec. 105. The tax imposed by section 102 of this act does not apply with respect to any vapor products which under the Constitution and laws of the United States may not be made the subject of taxation by this state.

NEW SECTION. Sec. 106. (1) Every distributor must keep at each place of business complete and accurate records for that place of business, including itemized invoices, of vapor products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of vapor products made.

(2) These records must show the names and addresses of purchasers, the inventory of all vapor products, and other pertinent papers and documents relating to the purchase, sale, or disposition of vapor products. All invoices and other records required by this section to be kept must be preserved for a period of five years from the date of the invoices or other documents or the date of the entries appearing in the records.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the vapor products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees are denied free access or are hindered or interfered with in making such examination, the registration certificate

issued under RCW 82.32.030 of the distributor at such premises are subject to revocation by the department, and any licenses issued under chapter 70.345, 82.26, or 82.24 RCW are subject to suspension or revocation by the board.

NEW SECTION. Sec. 107. Every person required to be licensed under chapter 70.345 RCW who sells vapor products to persons other than the ultimate consumer must render with each sale itemized invoices showing the seller's name and address, the purchaser's name and address, the date of sale, and all prices. The person must preserve legible copies of all such invoices for five years from the date of sale.

NEW SECTION. Sec. 108. (1) Every retailer must procure itemized invoices of all vapor products purchased. The invoices must show the seller's name and address, the date of purchase, and all prices and discounts.

(2) The retailer must keep at each retail outlet copies of complete, accurate, and legible invoices for that retail outlet or place of business. All invoices required to be kept under this section must be preserved for five years from the date of purchase.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any retail outlet without a search warrant, and inspect the premises for invoices required to be kept under this section and the vapor products contained in the retail outlet, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees are denied free access or are hindered or interfered with in making the inspection, the registration certificate issued under RCW 82.32.030 of the retailer at the premises is subject to revocation by the department, and any licenses issued under chapter 70.345, 82.26, or 82.24 RCW are subject to suspension or revocation by the board.

NEW SECTION. Sec. 109. (1)(a) Where vapor products upon which the tax imposed by this chapter has been reported and paid are shipped or transported outside this state by the distributor to a person engaged in the business of selling vapor products, to be sold by that person, or are returned to the manufacturer by the distributor or destroyed by the distributor, or are sold by the distributor to the United States or any of its agencies or instrumentalities, or are sold by the distributor to any Indian tribal organization, credit of such tax may be made to the distributor in accordance with rules prescribed by the department.

(b) For purposes of this subsection (1), the following definitions apply:

(i) "Indian distributor" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "distributor" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(ii) "Indian retailer" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "retailer" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(iii) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian distributor or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country.

(2) Credit allowed under this section must be determined based on the tax rate in effect for the period for which the tax imposed by this chapter, for which a credit is sought, was paid.

NEW SECTION. Sec. 110. All of the provisions contained in chapter 82.32 RCW not inconsistent with the provisions of this chapter have full force and application with respect to taxes imposed under the provisions of this chapter.

NEW SECTION. Sec. 111. The department must authorize, as duly authorized agents, enforcement officers of the board to enforce provisions of this chapter. These officers are not employees of the department.

NEW SECTION. Sec. 112. (1) The department may by rule establish the invoice detail required under section 106 of this act for a distributor and for those invoices required to be provided to retailers under section 108 of this act.

(2) If a retailer fails to keep invoices as required under section 108 of this act, the retailer is liable for the tax owed on any uninvoiced vapor products but not penalties and interest, except as provided in subsection (3) of this section.

(3) If the department finds that the nonpayment of tax by the retailer was willful or if in the case of a second or plural nonpayment of tax by the retailer, penalties and interest must be assessed in accordance with chapter 82.32 RCW.

NEW SECTION. Sec. 113. (1) No person may transport or cause to be transported in this state vapor products for sale other than: (a) A licensed distributor under chapter 70.345 RCW, or a manufacturer's representative authorized to sell or distribute vapor products in this state under chapter 70.345 RCW; (b) a licensed retailer under chapter 70.345 RCW; (c) a seller with a valid delivery sale license under chapter 70.345 RCW; or (d) a person who has given notice to the board in advance of the commencement of transportation.

(2) When transporting vapor products for sale, the person must have in his or her actual possession, or cause to have in the actual possession of those persons transporting such vapor products on his or her behalf, invoices or delivery tickets for the vapor products, which must show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the vapor products being transported.

(3) In any case where the department or the board, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting vapor products in violation of this section, the department, board, or peace officer is authorized to stop the vehicle and to inspect it for contraband vapor products.

(4) This section does not apply to a motor carrier or freight forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier as defined in Title 49 U.S.C. Sec. 40102.

NEW SECTION. Sec. 114. The board must compile and maintain a current record of the names of all distributors, retailers, and delivery sales licenses under chapter 70.345 RCW and the status of their license or licenses. The information must be updated on a monthly basis and published on the board's official internet web site. This information is not subject to the confidentiality provisions of RCW 82.32.330 and must be disclosed to manufacturers, distributors, retailers, and the general public upon request.

NEW SECTION. Sec. 115. (1) No person engaged in or conducting business as a distributor or retailer in this state may:

(a) Make, use, or present or exhibit to the department or the board any invoice for any of the vapor products taxed under this chapter that bears an untrue date or falsely states the nature or quantity of the goods invoiced; or

(b) Fail to produce on demand of the department or the board all invoices of all the vapor products taxed under this chapter

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within five years prior to such demand unless the person can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond the person's control.

(2)(a) No person, other than a licensed distributor, retailer or delivery sales licensee, or manufacturer's representative, may transport vapor products for sale in this state for which the taxes imposed under this chapter have not been paid unless:

(i) Notice of the transportation has been given as required under section 113 of this act;

(ii) The person transporting the vapor products actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of vapor products being transported; and

(iii) The vapor products are consigned to or purchased by a person in this state who is licensed under chapter 70.345 RCW.

(b) A violation of this subsection (2) is a gross misdemeanor.

(3) Any person licensed under chapter 70.345 RCW as a distributor, and any person licensed under chapter 70.345 RCW as a retailer, may not operate in any other capacity unless the additional appropriate license is first secured, except as otherwise provided by law. A violation of this subsection (3) is a misdemeanor.

(4) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

(5) This section does not apply to a motor carrier or freight forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier as defined in Title 49 U.S.C. Sec. 40102.

NEW SECTION. Sec. 116. (1) A retailer that obtains vapor products from an unlicensed distributor or any other person that is not licensed under chapter 70.345 RCW must be licensed both as a retailer and a distributor and is liable for the tax imposed under section 102 of this act with respect to the vapor products acquired from the unlicensed person that are held for sale, handling, or distribution in this state. For the purposes of this subsection, "person" includes both persons defined in this act and any person immune from state taxation, such as the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(2) Every distributor licensed under chapter 70.345 RCW may sell vapor products to retailers located in Washington only if the retailer has a current retailer's license under chapter 70.345 RCW.

NEW SECTION. Sec. 117. A manufacturer that has manufacturer's representatives who sell or distribute the manufacturer's vapor products in this state must provide the board a list of the names and addresses of all such representatives and must ensure that the list provided to the board is kept current. A manufacturer's representative is not authorized to distribute or sell vapor products in this state unless the manufacturer that hired the representative has a valid distributor's license under chapter 70.345 RCW and that manufacturer provides the board a current list of all of its manufacturer's representatives as required by this section. A manufacturer's representative must carry a copy of the distributor's license of the manufacturer that hired the representative at all times when selling or distributing the manufacturer's vapor products.

NEW SECTION. Sec. 118. (1) Any vapor products in the possession of a person selling vapor products in this state acting as a distributor or retailer and who is not licensed as required under chapter 70.345 RCW, or a person who is selling vapor products in violation of RCW 82.24.550(6), may be seized without a warrant by any agent of the department, agent of the

board, or law enforcement officer of this state. Any vapor products seized under this subsection are deemed forfeited.

(2) Any vapor products in the possession of a person who is not a licensed distributor, delivery seller, manufacturer's representative, or retailer and who transports vapor products for sale without having provided notice to the board required under section 113 of this act, or without invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of vapor products being transported may be seized and are subject to forfeiture.

(3) All conveyances, including aircraft, vehicles, or vessels that are used, or intended for use to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of vapor products under subsection (2) of this section, may be seized and are subject to forfeiture except:

(a) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the vapor products transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(b) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner establishes to have been committed or omitted without his or her knowledge or consent; or

(c) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(4) Property subject to forfeiture under subsections (2) and (3) of this section may be seized by any agent of the department, the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, board, or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(5) This section may not be construed to require the seizure of vapor products if the department's agent, board's agent, or law enforcement officer reasonably believes that the vapor products are possessed for personal consumption by the person in possession of the vapor products.

(6) Any vapor products seized by a law enforcement officer must be turned over to the board as soon as practicable.

(7) This section does not apply to a motor carrier or freight forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier as defined in Title 49 U.S.C. Sec. 40102.

NEW SECTION. Sec. 119. (1) In all cases of seizure of any vapor products made subject to forfeiture under this chapter, the department or board must proceed as provided in RCW 82.24.135.

(2) When vapor products are forfeited under this chapter, the department or board may:

(a) Retain the property for official use or upon application by any law enforcement agency of this state, another state, or the District of Columbia, or of the United States for the exclusive use of enforcing this chapter or the laws of any other state or the District of Columbia or of the United States; or

(b) Sell the vapor products at public auction to the highest bidder after due advertisement. Before delivering any of the goods to the successful bidder, the department or board must

require the purchaser to pay the proper amount of any tax due. The proceeds of the sale must be first applied to the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. The balance of the proceeds and all money must be deposited in the general fund of the state. Proper expenses of investigation include costs incurred by any law enforcement agency or any federal, state, or local agency.

(3) The department or the board may return any property seized under the provisions of this chapter when it is shown that there was no intention to violate the provisions of this chapter. When any property is returned under this section, the department or the board may return the property to the parties from whom they were seized if and when such parties have paid the proper amount of tax due under this chapter.

NEW SECTION. Sec. 120. When the department or the board has good reason to believe that any of the vapor products taxed under this chapter are being kept, sold, offered for sale, or given away in violation of the provisions of this chapter, it may make affidavit of facts describing the place or thing to be searched, before any judge of any court in this state, and the judge must issue a search warrant directed to the sheriff, any deputy, police officer, or duly authorized agent of the department or the board commanding him or her diligently to search any building, room in a building, place, or vehicle as may be designated in the affidavit and search warrant, and to seize the vapor products and hold them until disposed of by law.

NEW SECTION. Sec. 121. (1)(a) Where vapor products upon which the tax imposed by this chapter has been reported and paid are shipped or transported outside this state by the distributor to a person engaged in the business of selling vapor products, to be sold by that person, or are returned to the manufacturer by the distributor or destroyed by the distributor, or are sold by the distributor to the United States or any of its agencies or instrumentalities, or are sold by the distributor to any Indian tribal organization, credit of such tax may be made to the distributor in accordance with rules prescribed by the department.

(b) For purposes of this subsection (1), the following definitions apply:

(i) "Indian distributor" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "distributor" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(ii) "Indian retailer" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of "retailer" under section 101 of this act, if federally recognized Indian tribes and tribal entities were not excluded from the definition of "person" in section 101 of this act.

(iii) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian distributor or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country.

(2) Credit allowed under this section must be determined based on the tax rate in effect for the period for which the tax imposed by this chapter, for which a credit is sought, was paid.

NEW SECTION. Sec. 122. (1) Preexisting inventories of vapor products are subject to the tax imposed in section 102 of this act. All retailers and other distributors must report the tax due under section 102 of this act on preexisting inventories of vapor products on a form, as prescribed by the department, on or before

October 31, 2019, and the tax due on such preexisting inventories must be paid on or before January 31, 2020.

(2) Reports under subsection (1) of this section not filed with the department by October 31, 2019, are subject to a late filing penalty equal to the greater of two hundred fifty dollars or ten percent of the tax due under section 102 of this act on the taxpayer's preexisting inventories.

(3) The department must notify the taxpayer of the amount of tax due under section 102 of this act on preexisting inventories, which is subject to applicable penalties under RCW 82.32.090 (2) through (7) if unpaid after January 31, 2020. Amounts due in accordance with this section are not considered to be substantially underpaid for the purposes of RCW 82.32.090(2).

(4) Interest, at the rate provided in RCW 82.32.050(2), must be computed daily beginning February 1, 2020, on any remaining tax due under section 102 of this act on preexisting inventories until paid.

(5) A retailer required to comply with subsection (1) of this section is not required to obtain a distributor license as otherwise required under chapter 70.345 RCW as long as the retailer:

(a) Does not sell vapor products other than to ultimate consumers; and

(b) Does not meet the definition of "distributor" in section 101 of this act other than with respect to the sale of that retailer's preexisting inventory of vapor products.

(6) Taxes may not be collected under section 102 of this act from consumers with respect to any vapor products acquired before the effective date of this section.

(7) For purposes of this section, "preexisting inventory" means an inventory of vapor products located in this state as of the moment that section 102 of this act takes effect and held by a distributor for sale, handling, or distribution in this state.

Part II Conforming Amendments

Sec. 201. RCW 66.08.145 and 2016 sp.s. c 38 s 29 are each amended to read as follows:

(1) The liquor and cannabis board may issue subpoenas in connection with any investigation, hearing, or proceeding for the production of books, records, and documents held under this chapter or chapters 70.155, 70.158, 70.345, 82.24, ~~((and))~~ 82.26 ~~((RCW)), and 82.---~~ RCW (the new chapter created in section 408 of this act), and books and records of common carriers as defined in RCW 81.80.010, or vehicle rental agencies relating to the transportation or possession of cigarettes, vapor products, or other tobacco products.

(2) The liquor and cannabis board may designate individuals authorized to sign subpoenas.

(3) If any person is served a subpoena from the board for the production of records, documents, and books, and fails or refuses to obey the subpoena for the production of records, documents, and books when required to do so, the person is subject to proceedings for contempt, and the board may institute contempt of court proceedings in the superior court of Thurston county or in the county in which the person resides.

Sec. 202. RCW 66.44.010 and 1998 c 18 s 1 are each amended to read as follows:

(1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor ~~((shall))~~ belong to the county, city or town wherein the

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court imposing the fine is located, and ~~((shall))~~ must be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor ~~(= PROVIDED, That))~~. However, all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law ~~((shall))~~ must be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) In addition to any and all other powers granted, the board ~~((shall have))~~ has the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor.

(3) In addition to the other duties under this section, the board ~~((shall))~~ must enforce chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW ~~(the new chapter created in section 408 of this act)~~.

(4) The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers ~~((shall))~~ have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They ~~((shall))~~ have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and the provisions of chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW ~~(the new chapter created in section 408 of this act)~~. They ~~((shall))~~ have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and the provisions of chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW ~~(the new chapter created in section 408 of this act)~~.

Sec. 203. RCW 82.24.510 and 2013 c 144 s 50 are each amended to read as follows:

- (1) The licenses issuable under this chapter are as follows:
 - (a) A wholesaler's license.
 - (b) A retailer's license.

(2) Application for the licenses must be made through the business licensing system under chapter 19.02 RCW. The board must adopt rules regarding the regulation of the licenses. The board may refrain from the issuance of any license under this chapter if the board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a wholesaler's license or retailer's license and for considering the denial, suspension, or revocation of any such license, the board may consider any prior criminal conduct of the applicant, including an administrative violation history record with the board and a criminal history record information check within the previous five years, in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to such cases. The board may, in its discretion, grant or refuse the wholesaler's license or retailer's license, subject to the provisions of RCW 82.24.550.

(3) No person may qualify for a wholesaler's license or a retailer's license under this section without first undergoing a

criminal background check. The background check must be performed by the board and must disclose any criminal conduct within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. A person who possesses a valid license on July 22, 2001, is subject to this subsection and subsection (2) of this section beginning on the date of the person's business license expiration under chapter 19.02 RCW, and thereafter. If the applicant or licensee also has a license issued under chapter 66.24 ~~((or))~~, 82.26, or 70.345 RCW, the background check done under the authority of chapter 66.24 ~~((or))~~, 82.26, or 70.345 RCW satisfies the requirements of this section.

(4) Each such license expires on the business license expiration date, and each such license must be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the board made pursuant thereto.

(5) Each license and any other evidence of the license that the board requires must be exhibited in each place of business for which it is issued and in the manner required for the display of a business license.

Sec. 204. RCW 82.24.550 and 2015 c 86 s 307 are each amended to read as follows:

(1) The board must enforce the provisions of this chapter. The board may adopt, amend, and repeal rules necessary to enforce the provisions of this chapter.

(2) The department may adopt, amend, and repeal rules necessary to administer the provisions of this chapter. The board may revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(3) A license may not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the board. The board, upon finding that the licensee has failed to comply with any provision of this chapter or any rule adopted under this chapter, must, in the case of the first offense, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or further offense, must suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the board finds the licensee has been guilty of willful and persistent violations, it may revoke the license or licenses.

(4) Any licenses issued under chapter 82.26 or 70.345 RCW to a person whose license or licenses have been suspended or revoked under this section must also be suspended or revoked during the period of suspension or revocation under this section.

(5) Any person whose license or licenses have been revoked under this section may reapply to the board at the expiration of one year from the date of revocation of the license or licenses. The license or licenses may be approved by the board if it appears to the satisfaction of the board that the licensee will comply with the provisions of this chapter and the rules adopted under this chapter.

(6) A person whose license has been suspended or revoked may not sell cigarettes, vapor products, or tobacco products or permit cigarettes, vapor products, or tobacco products to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(7) Any determination and order by the board, and any order of suspension or revocation by the board of the license or licenses issued under this chapter, or refusal to reinstate a license or licenses after revocation is reviewable by an appeal to the superior

court of Thurston county. The superior court must review the order or ruling of the board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the board.

(8) If the board makes an initial decision to deny a license or renewal, or suspend or revoke a license, the applicant may request a hearing subject to the applicable provisions under Title 34 RCW.

(9) For purposes of this section((:));

(a) "Tobacco products" has the same meaning as provided in RCW 82.26.010; and

(b) "Vapor products" has the same meaning as provided in section 101 of this act.

Sec. 205. RCW 82.26.060 and 2009 c 154 s 3 are each amended to read as follows:

(1) Every distributor ((~~shall~~)) must keep at each place of business complete and accurate records for that place of business, including itemized invoices, of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of tobacco products made.

(2) These records ((~~shall~~)) must show the names and addresses of purchasers, the inventory of all tobacco products, and other pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products. All invoices and other records required by this section to be kept ((~~shall~~)) must be preserved for a period of five years from the date of the invoices or other documents or the date of the entries appearing in the records.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises, the records required to be kept under this chapter, and the tobacco products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees, are denied free access or are hindered or interfered with in making such examination, the registration certificate issued under RCW 82.32.030 of the distributor at such premises ((~~shall be~~)) is subject to revocation, and any licenses issued under this chapter or chapter 82.24 or 70.345 RCW are subject to suspension or revocation, by the department or board.

Sec. 206. RCW 82.26.080 and 2005 c 180 s 5 are each amended to read as follows:

(1) Every retailer ((~~shall~~)) must procure itemized invoices of all tobacco products purchased. The invoices ((~~shall~~)) must show the seller's name and address, the date of purchase, and all prices and discounts.

(2) The retailer ((~~shall~~)) must keep at each retail outlet copies of complete, accurate, and legible invoices for that retail outlet or place of business. All invoices required to be kept under this section ((~~shall~~)) must be preserved for five years from the date of purchase.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any retail outlet without a search warrant, and inspect the premises for invoices required to be kept under this section and the tobacco products contained in the retail outlet, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees, are denied free access or are hindered or interfered with in making the inspection, the registration certificate issued under RCW 82.32.030 of the retailer at the premises is subject to revocation, and any licenses issued under this chapter or chapter 82.24 or

70.345 RCW are subject to suspension or revocation by the department.

Sec. 207. RCW 82.26.150 and 2013 c 144 s 52 are each amended to read as follows:

(1) The licenses issuable by the board under this chapter are as follows:

- (a) A distributor's license; and
- (b) A retailer's license.

(2) Application for the licenses must be made through the business licensing system under chapter 19.02 RCW. The board may adopt rules regarding the regulation of the licenses. The board may refuse to issue any license under this chapter if the board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a distributor's license or retailer's license and for considering the denial, suspension, or revocation of any such license, the board may consider criminal conduct of the applicant, including an administrative violation history record with the board and a criminal history record information check within the previous five years, in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to such cases. The board may, in its discretion, issue or refuse to issue the distributor's license or retailer's license, subject to the provisions of RCW 82.26.220.

(3) No person may qualify for a distributor's license or a retailer's license under this section without first undergoing a criminal background check. The background check must be performed by the board and must disclose any criminal conduct within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. If the applicant or licensee also has a license issued under chapter 66.24 ((~~or~~)), 82.24, or 70.345 RCW, the background check done under the authority of chapter 66.24, 70.345, or 82.24 RCW satisfies the requirements of this section.

(4) Each license issued under this chapter expires on the business license expiration date. The license must be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the board adopted pursuant to this chapter.

(5) Each license and any other evidence of the license required under this chapter must be exhibited in each place of business for which it is issued and in the manner required for the display of a business license.

Sec. 208. RCW 82.26.220 and 2015 c 86 s 308 are each amended to read as follows:

(1) The board must enforce this chapter. The board may adopt, amend, and repeal rules necessary to enforce this chapter.

(2) The department may adopt, amend, and repeal rules necessary to administer this chapter. The board may revoke or suspend the distributor's or retailer's license of any distributor or retailer of tobacco products in the state upon sufficient cause showing a violation of this chapter or upon the failure of the licensee to comply with any of the rules adopted under it.

(3) A license may not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the board. The board, upon finding that the licensee has failed to comply with any provision of this chapter or of any rule adopted under it, must, in the case of the first offense, suspend the license or licenses of the licensee for a period of not less than thirty

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consecutive business days, and in the case of a second or further offense, suspend the license or licenses for a period of not less than ninety consecutive business days but not more than twelve months, and in the event the board finds the licensee has been guilty of willful and persistent violations, it may revoke the license or licenses.

(4) Any licenses issued under chapter 82.24 or 70.345 RCW to a person whose license or licenses have been suspended or revoked under this section must also be suspended or revoked during the period of suspension or revocation under this section.

(5) Any person whose license or licenses have been revoked under this section may reapply to the board at the expiration of one year of the license or licenses. The license or licenses may be approved by the board if it appears to the satisfaction of the board that the licensee will comply with the provisions of this chapter and the rules adopted under it.

(6) A person whose license has been suspended or revoked may not sell tobacco products, vapor products, or cigarettes or permit tobacco products, vapor products, or cigarettes to be sold during the period of suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form.

(7) Any determination and order by the board, and any order of suspension or revocation by the board of the license or licenses issued under this chapter, or refusal to reinstate a license or licenses after revocation is reviewable by an appeal to the superior court of Thurston county. The superior court must review the order or ruling of the board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the board.

(8) If the board makes an initial decision to deny a license or renewal, or suspend or revoke a license, the applicant may request a hearing subject to the applicable provisions under Title 34 RCW.

Sec. 209. RCW 82.32.300 and 1997 c 420 s 9 are each amended to read as follows:

(1) The administration of this and chapters 82.04 through 82.27 RCW of this title is vested in the department ~~((of revenue which shall))~~, which must prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment and collection of taxes and penalties imposed thereunder.

(2) The department ~~((of revenue shall))~~ must make and publish rules and regulations, not inconsistent therewith, necessary to enforce provisions of this chapter and chapters 82.02 through 82.23B and 82.27 RCW, and the liquor ~~((control))~~ and cannabis board ~~((shall))~~ must make and publish rules necessary to enforce chapters 82.24 ~~((and))~~, 82.26 ~~((RCW))~~, and 82.--- RCW (the new chapter created in section 408 of this act), which ~~((shall have))~~ has the same force and effect as if specifically included therein, unless declared invalid by the judgment of a court of record not appealed from.

(3) The department may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees ~~((shall))~~ must be fixed by the department and ~~((shall be))~~ charged to the proper appropriation for the department.

(4) The department ~~((shall))~~ must exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

Sec. 210. RCW 70.345.010 and 2016 sp.s. c 38 s 4 are each amended to read as follows:

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

(1) "Board" means the Washington state liquor and cannabis board.

(2) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing vapor products in this state.

(3) "Child care facility" has the same meaning as provided in RCW 70.140.020.

(4) "Closed system nicotine container" means a sealed, refilled, and disposable container of nicotine in a solution or other form in which such container is inserted directly into an electronic cigarette, electronic nicotine delivery system, or other similar product, if the nicotine in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

(5) "Delivery sale" means any sale of a vapor product to a purchaser in this state where either:

(a) The purchaser submits the order for such sale by means of a telephonic or other method of voice transmission, the mails or any other delivery service, or the internet or other online service; or

(b) The vapor product is delivered by use of the mails or of a delivery service. The foregoing sales of vapor products constitute a delivery sale regardless of whether the seller is located within or without this state. "Delivery sale" does not include a sale of any vapor product not for personal consumption to a retailer.

(6) "Delivery seller" means a person who makes delivery sales.

(7) "Distributor" ~~((means any person who:~~

~~(a) Sells vapor products to persons other than ultimate consumers; or~~

~~(b) Is engaged in the business of selling vapor products in this state and who brings, or causes to be brought, into this state from outside of the state any vapor products for sale))~~ has the same meaning as in section 101 of this act.

(8) "Liquid nicotine container" means a package from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold soluble nicotine in any concentration. "Liquid nicotine container" does not include closed system nicotine containers.

(9) "Manufacturer" means a person who manufactures and sells vapor products.

(10) "Minor" refers to an individual who is less than eighteen years old.

(11) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

(12) "Place of business" means any place where vapor products are sold or where vapor products are manufactured, stored, or kept for the purpose of sale.

(13) "Playground" means any public improved area designed, equipped, and set aside for play of six or more children which is not intended for use as an athletic playing field or athletic court, including but not limited to any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

(14) "Retail outlet" means each place of business from which vapor products are sold to consumers.

(15) "Retailer" means any person engaged in the business of selling vapor products to ultimate consumers.

(16)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling vapor products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(17) "School" has the same meaning as provided in RCW 70.140.020.

(18) "Self-service display" means a display that contains vapor products and is located in an area that is openly accessible to customers and from which customers can readily access such products without the assistance of a salesperson. A display case that holds vapor products behind locked doors does not constitute a self-service display.

(19) "Vapor product" means any noncombustible product that may contain nicotine and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance.

(a) "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container that may contain nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

(b) "Vapor product" does not include any product that meets the definition of marijuana, useable marijuana, marijuana concentrates, marijuana-infused products, cigarette, or tobacco products.

(c) For purposes of this subsection (19), "marijuana," "useable marijuana," "marijuana concentrates," and "marijuana-infused products" have the same meaning as provided in RCW 69.50.101.

Sec. 211. RCW 70.345.030 and 2016 sp.s. c 38 s 6 are each amended to read as follows:

(1)(a) No person may engage in or conduct business as a retailer, distributor, or delivery seller in this state without a valid license issued under this chapter, except as otherwise provided by law. Any person who sells vapor products to ultimate consumers by a means other than delivery sales must obtain a retailer's license under this chapter. Any person who ~~((sells vapor products to persons other than ultimate consumers or who))~~ meets the definition of distributor under this chapter must obtain a distributor's license under this chapter. Any person who conducts delivery sales of vapor products must obtain a delivery sale license.

(b) A violation of this subsection is punishable as a class C felony according to chapter 9A.20 RCW.

(2) No person engaged in or conducting business as a retailer, distributor, or delivery seller in this state may refuse to allow the enforcement officers of the board, on demand, to make full inspection of any place of business or vehicle where any of the vapor products regulated under this chapter are sold, stored, transported, or handled, or otherwise hinder or prevent such inspection. A person who violates this subsection is guilty of a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, any person licensed under this chapter as a retailer, and any person licensed under this chapter as a delivery seller may not operate in any other capacity unless the additional appropriate license is first secured, except as otherwise provided by law. A violation of this subsection is a misdemeanor.

(4) No person engaged in or conducting business as a retailer, distributor, or delivery seller in this state may sell or give, or

permit to sell or give, a product that contains any amount of any cannabinoid, synthetic cannabinoid, cathinone, or methcathinone, unless otherwise provided by law. A violation of this subsection (4) is punishable according to RCW 69.50.401.

(5) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

Sec. 212. RCW 70.345.090 and 2016 sp.s. c 38 s 17 are each amended to read as follows:

(1) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person unless such seller has a valid delivery sale license as required under this chapter.

(2) No person may conduct a delivery sale or otherwise ship or transport, or cause to be shipped or transported, any vapor product ordered or purchased by mail or through the internet to any person under the minimum age required for the legal sale of vapor products as provided under RCW 70.345.140.

(3) A delivery sale licensee must provide notice on its mail order or internet sales forms of the minimum age required for the legal sale of vapor products in Washington state as provided by RCW 70.345.140.

(4) A delivery sale licensee must not accept a purchase or order from any person without first obtaining the full name, birth date, and residential address of that person and verifying this information through an independently operated third-party database or aggregate of databases, which includes data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication.

(5) A delivery sale licensee must accept payment only through a credit or debit card issued in the purchaser's own name. The licensee must verify that the card is issued to the same person identified through identity and age verification procedures in subsection (4) of this section.

(6) Before a delivery sale licensee delivers an initial purchase to any person, the licensee must verify the identity and delivery address of the purchaser by mailing or shipping to the purchaser a notice of sale and certification form confirming that the addressee is in fact the person placing the order. The purchaser must return the signed certification form to the licensee before the initial shipment of product. Certification forms are not required for repeat customers. In the alternative, before a seller delivers an initial purchase to any person, the seller must first obtain from the prospective customer an electronic certification, such as by email, that includes a declaration that, at a minimum, the prospective customer is over the minimum age required for the legal sale of a vapor product, and the credit or debit card used for payment has been issued in the purchaser's name.

(7) A delivery sale licensee must include on shipping documents a clear and conspicuous statement which includes, at a minimum, that the package contains vapor products, Washington law prohibits sales to those under the minimum age established by this chapter, and violations may result in sanctions to both the licensee and the purchaser.

(8) For purposes of this subsection (8), "vapor products" has the same meaning as provided in section 101 of this act.

(9) A person who knowingly violates this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.

~~((9))~~ (10) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state,

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may seek recovery of the penalty in a civil action in superior court.

~~((10))~~ (11) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of this section and to compel compliance with this section.

~~((11))~~ (12) Any violation of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

~~((12))~~ (13)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

(b) If a court determines that a person has violated this section, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.

~~((13))~~ (14) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.

~~((14))~~ (15) A licensee who violates this section is subject to license suspension or revocation by the board.

~~((15))~~ (16) The board may adopt by rule additional requirements for mail or internet sales.

~~((16))~~ (17) The board must not adopt rules prohibiting internet sales.

**Part III
Tribal Compacting**

Sec. 301. RCW 43.06.450 and 2001 c 235 s 1 are each amended to read as follows:

The legislature intends to further the government-to-government relationship between the state of Washington and Indians in the state of Washington by authorizing the governor to enter into contracts concerning the sale of cigarettes and vapor products. The legislature finds that these cigarette tax and vapor product tax contracts will provide a means to promote economic development, provide needed revenues for tribal governments and Indian persons, and enhance enforcement of the state's cigarette tax ~~((law))~~ and vapor product tax, ultimately saving the state money and reducing conflict. In addition, it is the intent of the legislature that the negotiations and the ensuing contracts ~~((shall))~~ have no impact on the state's share of the proceeds under the master settlement agreement entered into on November 23, 1998, by the state. Chapter 235, Laws of 2001 ~~((does))~~ and this act do not constitute a grant of taxing authority to any Indian tribe nor ~~((does it))~~ do they provide precedent for the taxation of non-Indians on fee land.

NEW SECTION. **Sec. 302.** A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into vapor product tax contracts concerning the sale of vapor products. All vapor product tax contracts must meet the requirements for vapor product tax contracts under this section.

(2) Vapor product tax contracts must be in regard to retail sales in which Indian retailers make delivery and physical transfer of possession of the vapor products from the seller to the buyer within Indian country, and are not in regard to transactions by non-Indian retailers. In addition, contracts may address the legal age of sale for vapor products pursuant to section 11, chapter 15, Laws of 2019.

(3) A vapor product tax contract with a tribe must provide for a tribal vapor product tax in lieu of all state vapor product taxes and state and local sales and use taxes on sales of vapor products in Indian country by Indian retailers. The tribe may allow an exemption for sales to tribal members.

(4) Vapor product tax contracts must provide that retailers must purchase vapor products only from:

(a) Wholesalers or manufacturers licensed to do business in the state of Washington;

(b) Out-of-state wholesalers or manufacturers who, although not licensed to do business in the state of Washington, agree to comply with the terms of the vapor product tax contract, are certified to the state as having so agreed, and do in fact so comply. However, the state may in its sole discretion exercise its administrative and enforcement powers over such wholesalers or manufacturers to the extent permitted by law;

(c) A tribal wholesaler that purchases only from a wholesaler or manufacturer described in (a), (b), or (d) of this subsection; and

(d) A tribal manufacturer.

(5) Vapor product tax contracts must be for renewable periods of no more than eight years.

(6) Vapor product tax contracts must include provisions for compliance, such as transport and notice requirements, inspection procedures, recordkeeping, and audit requirements.

(7) Tax revenue retained by a tribe must be used for essential government services. Use of tax revenue for subsidization of vapor products and food retailers is prohibited.

(8) The vapor product tax contract may include provisions to resolve disputes using a nonjudicial process, such as mediation.

(9) The governor may delegate the power to negotiate vapor product tax contracts to the department of revenue. The department of revenue must consult with the liquor and cannabis board during the negotiations.

(10) Information received by the state or open to state review under the terms of a contract is subject to the provisions of RCW 82.32.330.

(11) It is the intent of the legislature that the liquor and cannabis board and the department of revenue continue the division of duties and shared authority under chapter 82.--- RCW (the new chapter created in section 408 of this act) and therefore the liquor and cannabis board is responsible for enforcement activities that come under the terms of chapter 82.--- RCW (the new chapter created in section 408 of this act).

(12) Each vapor product tax contract must include a procedure for notifying the other party that a violation has occurred, a procedure for establishing whether a violation has in fact occurred, an opportunity to correct such violation, and a provision providing for termination of the contract should the violation fail to be resolved through this process, such termination subject to mediation should the terms of the contract so allow. A contract must provide for termination of the contract if resolution of a dispute does not occur within twenty-four months from the time notification of a violation has occurred. Intervening violations do not extend this time period. In addition, the contract must include provisions delineating the respective roles and responsibilities of the tribe, the department of revenue, and the liquor and cannabis board.

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

(a) "Essential government services" means services such as tribal administration, public facilities, fire, police, public health, education, job services, sewer, water, environmental and land use, transportation, utility services, and economic development.

(b) "Indian country" has the same meaning as provided in RCW 82.24.010.

- (c) "Indian retailer" or "retailer" means:
- (i) A retailer wholly owned and operated by an Indian tribe;
 - (ii) A business wholly owned and operated by a tribal member and licensed by the tribe; or
 - (iii) A business owned and operated by the Indian person or persons in whose name the land is held in trust.
- (d) "Indian tribe" or "tribe" means a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.
- (e) "Vapor products" has the same meaning as provided in section 101 of this act.

NEW SECTION. Sec. 303. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor is authorized to enter into vapor product tax contracts with federally recognized Indian tribes located within the geographical boundaries of the state of Washington. Each contract adopted under this section must provide that the tribal vapor product tax rate be one hundred percent of the state vapor product tax and state and local sales and use taxes. The tribal vapor product tax is in lieu of the state vapor product tax and state and local sales and use taxes, as provided in section 302(3) of this act.

(2) A vapor product tax contract under this section is subject to section 302 of this act and is separate from a cigarette tax contract subject to RCW 43.06.455 or 43.06.466.

NEW SECTION. Sec. 304. A new section is added to chapter 43.06 RCW to read as follows:

(1) The governor may enter into a vapor product tax agreement with the Puyallup Tribe of Indians concerning the sale of vapor products, subject to the limitations in this section. The legislature intends to address the uniqueness of the Puyallup Indian reservation and its selling environment through pricing and compliance strategies, rather than through the imposition of equivalent taxes. The governor may delegate the authority to negotiate a vapor product tax agreement with the Puyallup Tribe to the department of revenue. The department of revenue must consult with the liquor and cannabis board during the negotiations. An agreement under this section is separate from an agreement under RCW 43.06.465.

(2) Any agreement must require the tribe to impose a tribal vapor product tax with a tax rate that is ninety percent of the state vapor product tax. This tribal tax is in lieu of the combined state and local sales and use taxes and the state vapor product tax, and as such these state taxes are not imposed during the term of the agreement on any transaction governed by the agreement. The tribal vapor product tax must increase or decrease at the time of any increase or decrease in the state vapor product tax so as to remain at a level that is ninety percent of the rate of the state vapor product tax.

(3) The agreement must include a provision requiring the tribe to transmit thirty percent of the tribal tax revenue on all vapor products sales to the state. The funds must be transmitted to the state treasurer on a quarterly basis for deposit by the state treasurer into the general fund. The remaining tribal tax revenue must be used for essential government services, as that term is defined in section 302 of this act.

(4) The agreement is limited to retail sales in which Indian retailers make delivery and physical transfer of possession of the vapor products from the seller to the buyer within Indian country, and are not in regard to transactions by non-Indian retailers. In addition, agreements may address the legal age of sale for vapor products pursuant to section 11, chapter 15, Laws of 2019.

(5)(a) The agreement must include a provision to price and sell the vapor products so that the retail selling price is not less than the price paid by the retailer for the vapor products.

(b) The tribal tax is in addition to the retail selling price.

(c) The agreement must include a provision to assure the price paid to the retailer includes the tribal tax.

(d) If the tribe is acting as a distributor to tribal retailers, the retail selling price must not be less than the price the tribe paid for such vapor products plus the tribal tax.

(6)(a) The agreement must include provisions regarding enforcement and compliance by the tribe in regard to enrolled tribal members who sell vapor products and must describe the individual and joint responsibilities of the tribe, the department of revenue, and the liquor and cannabis board.

(b) The agreement must include provisions for tax administration and compliance, such as transport and notice requirements, inspection procedures, recordkeeping, and audit requirements.

(c) The agreement must include provisions for sharing of information among the tribe, the department of revenue, and the liquor and cannabis board.

(7) The agreement must provide that retailers must purchase vapor products only from distributors or manufacturers licensed to do business in the state of Washington.

(8) The agreement must be for a renewable period of no more than eight years.

(9) The agreement must include provisions to resolve disputes using a nonjudicial process, such as mediation, and must include a dispute resolution protocol. The protocol must include a procedure for notifying the other party that a violation has occurred, a procedure for establishing whether a violation has in fact occurred, an opportunity to correct such violation, and a provision providing for termination of the agreement should the violation fail to be resolved through this process, such termination subject to mediation should the terms of the agreement so allow. An agreement must provide for termination of the agreement if resolution of a dispute does not occur within twenty-four months from the time notification of a violation has occurred. Intervening violations do not extend this time period.

(10) Information received by the state or open to state review under the terms of an agreement is subject to RCW 82.32.330.

(11) It is the intent of the legislature that the liquor and cannabis board and the department of revenue continue the division of duties and shared authority under chapter 82.--- RCW (the new chapter created in section 408 of this act).

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

(a) "Indian country" has the same meaning as provided in RCW 82.24.010.

(b) "Indian retailer" or "retailer" means:

- (i) A retailer wholly owned and operated by an Indian tribe; or
- (ii) A business wholly owned and operated by an enrolled tribal member and licensed by the tribe.

(c) "Indian tribe" or "tribe" means the Puyallup Tribe of Indians, which is a federally recognized Indian tribe located within the geographical boundaries of the state of Washington.

(d) "Vapor products" has the same meaning as provided in section 101 of this act.

NEW SECTION. Sec. 305. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of vapor products by an Indian retailer during the effective period of a vapor product tax contract subject to section 303 of this act or a vapor product tax agreement under section 304 of this act.

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(2) The definitions in section 302 of this act apply to this section.

NEW SECTION. Sec. 306. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of vapor products sold by an Indian retailer during the effective period of a vapor product tax contract subject to section 303 of this act or a vapor product tax agreement under section 304 of this act.

(2) The definitions in section 302 of this act apply to this section.

Sec. 307. 2019 c 15 s 11 (uncodified) is amended to read as follows:

In recognition of the sovereign authority of tribal governments, the governor may seek government-to-government consultations with federally recognized Indian tribes regarding raising the minimum legal age of sale in compacts entered into pursuant to RCW 43.06.455, 43.06.465, ~~((and)) 43.06.466, and sections 302 through 304 of this act.~~ The office of the governor shall report to the appropriate committees of the legislature regarding the status of such consultations no later than December 1, 2020.

**Part IV
Miscellaneous Provisions**

NEW SECTION. Sec. 401. A new section is added to chapter 82.32 RCW to read as follows:

(1) By October 15, 2020, and by each October 15th thereafter, the department must estimate any increase in state general fund revenue collections for the immediately preceding fiscal year resulting from the taxes imposed in chapter . . . , Laws of 2019 (this act). The department must promptly notify the state treasurer of these estimated amounts.

(2) Beginning November 1, 2020, and by each November 1st thereafter, the state treasurer must transfer from the general fund the estimated amount determined by the department under subsection (1) of this section for the immediately preceding fiscal year as follows:

(a) Fifty percent into the Andy Hill cancer research endowment fund match transfer account created in RCW 43.348.080; and

(b) Fifty percent into the foundational public health services account created in section 103 of this act.

(3) The department may not make any adjustments to an estimate under subsection (1) of this section after the state treasurer makes the corresponding distribution under subsection (2) of this section based on the department's estimate.

NEW SECTION. Sec. 402. RCW 43.348.900 (Expiration of chapter) and 2015 3rd sp.s. c 34 s 10 are each repealed.

Sec. 403. RCW 43.348.080 and 2018 c 4 s 8 are each amended to read as follows:

(1) The Andy Hill cancer research endowment fund match transfer account is created in the custody of the ~~((state treasurer as a nonappropriated account to be used solely and exclusively for the program created in RCW 43.348.040. The purpose of the account is to provide matching funds for the fund and administrative costs. Expenditures to fund or reimburse the program administrator are not subject to the requirements of subsection (4) of this section.~~

~~((2) Revenues to the account must consist of deposits into the account, legislative appropriations, and any gifts, grants, or donations received by the department for this purpose.))~~ state treasury to be used solely and exclusively for the program created in RCW 43.348.040. Moneys in the account may be spent only after appropriation. The purpose of the account is to provide

matching funds for the fund and administrative costs. Expenditures to fund or reimburse the program administrator are not subject to the requirements of subsection (4) of this section.

~~((3))~~ (2) The legislature must appropriate a state match, up to a maximum of ten million dollars annually, beginning July 1, 2016, and each July 1st following the end of the fiscal year from tax collections and penalties generated from enforcement of state taxes on cigarettes and other tobacco products by the state liquor and cannabis board or other federal, state or local law or tax enforcement agency, as determined by the department of revenue. Tax collections include any cigarette tax, other tobacco product tax, and retail sales and use tax. Any amounts deposited into this account from the tax imposed under section 102 of this act in excess of the cap provided in this subsection must be deposited into the foundational public health services account created in section 103 of this act.

~~((4) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the program administrator of nonstate or private contributions to the fund for the program. Expenditures, in the form of matching funds, may not exceed the total amount of nonstate or private contributions.~~

~~((5) Only the director of the department or the director's designee may authorize expenditures from the Andy Hill cancer research endowment fund match transfer account. Such authorization must be made as soon as practicable following receipt of proof as required under subsection (4) of this section.~~

~~((6) The department must enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.))~~

(3) Revenues to the account must consist of deposits into the account, taxes imposed on vapor products under section 102 of this act, legislative appropriations, and any gifts, grants, or donations received by the department for this purpose.

(4) Each fiscal biennium, the legislature must appropriate to the department of commerce such amounts as estimated to be the balance of the account to provide state matching funds.

(5) Expenditures, in the form of matching funds, from the account may be made only upon receipt of proof from the program administrator of nonstate or private contributions to the fund for the program. Expenditures, in the form of matching funds, may not exceed the total amount of nonstate or private contributions.

(6) The department must enter into an appropriate agreement with the program administrator to demonstrate exchange of consideration for the matching funds.

Sec. 404. RCW 82.26.020 and 2010 1st sp.s. c 22 s 5 are each amended to read as follows:

(1) There is levied and collected a tax upon the sale, handling, or distribution of all tobacco products in this state at the following rate:

(a) For cigars except little cigars, ninety-five percent of the taxable sales price of cigars, not to exceed sixty-five cents per cigar;

(b) For all tobacco products except those covered under separate provisions of this subsection, ninety-five percent of the taxable sales price. The tax imposed on a product under this subsection must be reduced by fifty percent if that same product is issued a modified risk tobacco product order by the secretary of the United States department of health and human services pursuant to Title 21 U.S.C. Sec. 387k(g)(1), or by twenty-five percent if that same product is issued a modified risk tobacco product order by the secretary of the United States department of health and human services pursuant to Title 21 U.S.C. Sec.

387k(g)(2). The tax reduction applies during the period the modified risk tobacco product order is in effect;

(c) For moist snuff, as established in this subsection (1)(c) and computed on the net weight listed by the manufacturer:

(i) On each single unit consumer-sized can or package whose net weight is one and two-tenths ounces or less, a rate per single unit that is equal to the greater of 2.526 dollars or eighty-three and one-half percent of the cigarette tax under chapter 82.24 RCW multiplied by twenty; or

(ii) On each single unit consumer-sized can or package whose net weight is more than one and two-tenths ounces, a proportionate tax at the rate established in (c)(i) of this subsection (1) on each ounce or fractional part of an ounce; and

(d) For little cigars, an amount per cigar equal to the cigarette tax under chapter 82.24 RCW.

(2) Taxes under this section must be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers, or (d) handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(3) The moneys collected under this section must be deposited into the state general fund.

NEW SECTION. Sec. 405. The provisions of RCW 82.32.805 and 82.32.808 do not apply to this act.

NEW SECTION. Sec. 406. 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. 407. 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 conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 408. Part I of this act constitutes a new chapter in Title 82 RCW.

NEW SECTION. Sec. 409. This act takes effect October 1, 2019."

On page 44, beginning on line 2, strike all material through "date." on line 11 and insert the following:

"On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 66.08.145, 66.44.010, 82.24.510, 82.24.550, 82.26.060, 82.26.080, 82.26.150, 82.26.220, 82.32.300, 70.345.010, 70.345.030, 70.345.090, 43.06.450, 43.348.080, and 82.26.020; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 43.348.900; prescribing penalties; and providing an effective date.""

Senator Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 902 by Senators Braun and Kuderer to Engrossed Second Substitute House Bill No. 1873.

The motion by Senator Braun carried and amendment no. 902 was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute House Bill No. 1873 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Braun, Frockt and Becker spoke in favor of passage of the bill.

MOTION

Senator Short demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be, "Shall the main question be now put?"

The motion by Senator Short carried and the previous question was put by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1873 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1873 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Billig, Braun, Carlyle, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman and Wilson, C.

Voting nay: Senators Bailey, Brown, Ericksen, Hasegawa, Holy, Honeyford, O'Ban, Padden, Schoesler, Sheldon, Short, Wilson, L. and Zeiger

Excused: Senator Rivers

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1873, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION
8655

By Senators Liias and Short

WHEREAS, The 2019 Regular Session of the Sixty-sixth Legislature is drawing to a close; and

ONE HUNDRED FIFTH DAY, APRIL 28, 2019

2019 REGULAR SESSION

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2019 Regular Session of the Sixty-sixth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations, subject to all applicable budget controls and limitations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, subject to all applicable budget controls and limitations, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor, subject to all applicable budget controls and limitations, as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2019 Regular Session of the Sixty-sixth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8655.

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

MOTION

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

INTRODUCTION AND FIRST READING

SCR 8409 by Senators Liias and Short
Returning bills to their house of origin.

Placed on 2nd Reading Calendar.

SCR 8410 by Senators Liias and Short
Adjourning SINE DIE.

Placed on 2nd Reading Calendar.

MOTION

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

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Liias and Short

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Concurrent Resolution No. 8409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8409.

SENATE CONCURRENT RESOLUTION NO. 8409 having received a majority was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators Liias and Short

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8410.

SENATE CONCURRENT RESOLUTION NO. 8410 having received a majority was adopted by voice vote.

MOTIONS

On motion of Senator Liias and without objection, Senate Bill No. 5886 which had previously been held at the desk was referred to the Committee on Labor & Commerce.

On motion of Senator Liias and without objection, the following measures on the second and third reading calendars were returned to the Committee on Rules:

Senate Bill No. 5053,
 Senate Bill No. 5128,
 Senate Bill No. 5285,
 Senate Bill No. 5407,
 Senate Bill No. 5419,
 Senate Bill No. 5537,
 Senate Bill No. 5590,
 Senate Bill No. 5643,
 Senate Bill No. 5697,
 Senate Bill No. 5848,
 Senate Bill No. 5871,
 Senate Bill No. 5996,
 Senate Bill No. 5999,
 Senate Bill No. 6009,
 Senate Joint Resolution No. 8212,
 Senate gubernatorial Appointment No. 9003,
 Senate gubernatorial Appointment No. 9046,
 Senate gubernatorial Appointment No. 9054,
 Senate gubernatorial Appointment No. 9064,
 Senate gubernatorial Appointment No. 9075,
 Senate gubernatorial Appointment No. 9076,
 Senate gubernatorial Appointment No. 9084,
 Senate gubernatorial Appointment No. 9093,
 Senate gubernatorial Appointment No. 9095,
 Senate gubernatorial Appointment No. 9097,
 Senate gubernatorial Appointment No. 9105,
 Senate gubernatorial Appointment No. 9106,
 Senate gubernatorial Appointment No. 9109,
 Senate gubernatorial Appointment No. 9113,
 Senate gubernatorial Appointment No. 9114,
 Senate gubernatorial Appointment No. 9116,
 Senate gubernatorial Appointment No. 9119,
 Senate gubernatorial Appointment No. 9120,
 Senate gubernatorial Appointment No. 9123,
 Senate gubernatorial Appointment No. 9124,
 Senate gubernatorial Appointment No. 9140,
 Senate gubernatorial Appointment No. 9147,
 Senate gubernatorial Appointment No. 9155,
 Senate gubernatorial Appointment No. 9156,
 Senate gubernatorial Appointment No. 9165,
 Senate gubernatorial Appointment No. 9166,
 Senate gubernatorial Appointment No. 9171,
 Senate gubernatorial Appointment No. 9182,
 Senate gubernatorial Appointment No. 9184,
 Senate gubernatorial Appointment No. 9202,
 Senate gubernatorial Appointment No. 9209,
 Senate gubernatorial Appointment No. 9214,
 Senate gubernatorial Appointment No. 9217,
 Senate gubernatorial Appointment No. 9222,
 Senate gubernatorial Appointment No. 9223,
 Senate gubernatorial Appointment No. 9225,
 Senate gubernatorial Appointment No. 9228,
 Senate gubernatorial Appointment No. 9250,
 Senate gubernatorial Appointment No. 9251,
 and Senate gubernatorial Appointment No. 9255.

REMARKS BY THE PRESIDENT

President Habib: "I would just take a moment of privilege to do this. I know that we have done this at certain moments at cutoff but, since we do have a moment right now, to just say a word of thanks to all the men and women who work so hard here to make

this happen. We got a chance to thank the Dining Room staff before they left for the day but there are so many others. All of our, what I call our floor team, the rostrum staff, the workroom. You all know how hard they work you've seen that they work twenty-four hours a day, literally. They have done that these past few days. Senate Security who keeps us safe and does it with so much dignity all of the time. The rostrum staff that is up here, led by the Secretary of the Senate. I want to thank him for his service to our state and the wonderful way in which he leads his staff and the entire agency of the Senate. Of course, the two attorneys who are not even listening to me right now because they're still working on making everything happen. Jeannie and Victoria, who have made many of your dreams come true with their legal maneuvers and ability to explain things. There're so many others but of course Senate Committee Services, all the partisan staff in both caucuses. Please, would the Senate join me in thanking them for their work this year."

The senate rose and recognized the work of the staff of the Washington State Senate.

MESSAGES FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1326,
 ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 2042,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2163,
 SUBSTITUTE HOUSE BILL NO. 2167,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 28, 2019

MR. PRESIDENT:

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

ENGROSSED SECOND SUBSTITUTE
 HOUSE BILL NO. 1873,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 28, 2019

MR. PRESIDENT:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109 and has passed the bill as recommended by the Conference Committee.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

April 28, 2019

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8409,
 SENATE CONCURRENT RESOLUTION NO. 8410,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

ONE HUNDRED FIFTH DAY, APRIL 28, 2019

2019 REGULAR SESSION

On motion of Senator Liias, the reading of the Journal for the 105th day of the 2019 Regular Session of the 66th Legislature was dispensed with and it was approved.

SIGNED BY THE PRESIDENT

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

- SENATE CONCURRENT RESOLUTION NO. 8406,
- SENATE CONCURRENT RESOLUTION NO. 8409,
- SENATE CONCURRENT RESOLUTION NO. 8410.

MESSAGE FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:
The Speaker has signed:

- HOUSE BILL NO. 1190,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1873,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140, and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

April 28, 2019

MR. PRESIDENT:
The Speaker has signed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5313,
- SUBSTITUTE SENATE BILL NO. 5370,
- SENATE BILL NO. 6025,
- SENATE CONCURRENT RESOLUTION NO. 8406,
- SENATE CONCURRENT RESOLUTION NO. 8409,
- SENATE CONCURRENT RESOLUTION NO. 8410,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

SIGNED BY THE PRESIDENT

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5313,
- SUBSTITUTE SENATE BILL NO. 5370,
- SENATE BILL NO. 6025.

SIGNED BY THE PRESIDENT

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1109,
- SUBSTITUTE HOUSE BILL NO. 1326,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1873,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 2042,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2140,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2163,
- SUBSTITUTE HOUSE BILL NO. 2167.

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8409, the following House Bills were returned to the House of Representatives:

- SUBSTITUTE HOUSE BILL NO. 1002,
- SUBSTITUTE HOUSE BILL NO. 1009,
- SUBSTITUTE HOUSE BILL NO. 1028,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1033,
- SECOND SUBSTITUTE HOUSE BILL NO. 1039,
- ENGROSSED HOUSE BILL NO. 1056,
- ENGROSSED HOUSE BILL NO. 1058,

- HOUSE BILL NO. 1061,
- HOUSE BILL NO. 1079,
- SUBSTITUTE HOUSE BILL NO. 1082,
- HOUSE BILL NO. 1089,
- SUBSTITUTE HOUSE BILL NO. 1100,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1110,
- HOUSE BILL NO. 1120,
- SUBSTITUTE HOUSE BILL NO. 1158,
- SUBSTITUTE HOUSE BILL NO. 1168,
- ENGROSSED HOUSE BILL NO. 1169,
- HOUSE BILL NO. 1187,
- SUBSTITUTE HOUSE BILL NO. 1189,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1207,
- HOUSE BILL NO. 1212,
- HOUSE BILL NO. 1220,
- SUBSTITUTE HOUSE BILL NO. 1231,
- SUBSTITUTE HOUSE BILL NO. 1244,
- SUBSTITUTE HOUSE BILL NO. 1251,
- HOUSE BILL NO. 1255,
- SUBSTITUTE HOUSE BILL NO. 1264,
- SECOND SUBSTITUTE HOUSE BILL NO. 1272,
- HOUSE BILL NO. 1278,
- HOUSE BILL NO. 1279,
- HOUSE BILL NO. 1285,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1296,
- SECOND SUBSTITUTE HOUSE BILL NO. 1304,
- HOUSE BILL NO. 1305,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1308,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1332,
- HOUSE BILL NO. 1335,
- HOUSE BILL NO. 1341,
- HOUSE BILL NO. 1368,
- SUBSTITUTE HOUSE BILL NO. 1383,
- HOUSE BILL NO. 1397,
- HOUSE BILL NO. 1413,
- HOUSE BILL NO. 1423,
- HOUSE BILL NO. 1441,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1453,
- THIRD SUBSTITUTE HOUSE BILL NO. 1498,
- SUBSTITUTE HOUSE BILL NO. 1520,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1523,
- SUBSTITUTE HOUSE BILL NO. 1529,
- HOUSE BILL NO. 1548,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1565,
- SUBSTITUTE HOUSE BILL NO. 1576,
- SECOND SUBSTITUTE HOUSE BILL NO. 1580,
- HOUSE BILL NO. 1583,
- SUBSTITUTE HOUSE BILL NO. 1595,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1622,
- SUBSTITUTE HOUSE BILL NO. 1633,
- SUBSTITUTE HOUSE BILL NO. 1644,
- ENGROSSED SECOND SUBSTITUTE
- HOUSE BILL NO. 1660,
- SUBSTITUTE HOUSE BILL NO. 1661,
- HOUSE BILL NO. 1670,
- HOUSE BILL NO. 1674,
- HOUSE BILL NO. 1676,
- SUBSTITUTE HOUSE BILL NO. 1686,
- HOUSE BILL NO. 1702,
- HOUSE BILL NO. 1707,
- SUBSTITUTE HOUSE BILL NO. 1715,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1723,

SECOND SUBSTITUTE HOUSE BILL NO. 1725,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1747,
 HOUSE BILL NO. 1755,
 SUBSTITUTE HOUSE BILL NO. 1769,
 SECOND SUBSTITUTE HOUSE BILL NO. 1776,
 SUBSTITUTE HOUSE BILL NO. 1791,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1793,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1799,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,
 SUBSTITUTE HOUSE BILL NO. 1826,
 HOUSE BILL NO. 1829,
 SUBSTITUTE HOUSE BILL NO. 1836,
 HOUSE BILL NO. 1838,
 HOUSE BILL NO. 1841,
 SUBSTITUTE HOUSE BILL NO. 1847,
 SUBSTITUTE HOUSE BILL NO. 1869,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1880,
 ENGROSSED HOUSE BILL NO. 1912,
 HOUSE BILL NO. 1952,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1966,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1997,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1998,
 HOUSE BILL NO. 2008,
 ENGROSSED HOUSE BILL NO. 2009,
 HOUSE BILL NO. 2033,
 HOUSE BILL NO. 2040,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2050,
 HOUSE BILL NO. 2051,
 ENGROSSED HOUSE BILL NO. 2066,
 HOUSE BILL NO. 2075,
 HOUSE BILL NO. 2085,
 SUBSTITUTE HOUSE BILL NO. 2108,
 HOUSE BILL NO. 2110,
 HOUSE BILL NO. 2129.

MESSAGE FROM THE HOUSE

April 28, 2019

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8409, the following Senate bills are returned to the Senate:

 ENGROSSED SENATE BILL NO. 5008,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
 SUBSTITUTE SENATE BILL NO. 5030,
 SENATE BILL NO. 5036,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5051,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5067,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5077,
 SENATE BILL NO. 5078,
 SECOND SUBSTITUTE SENATE BILL NO. 5093,
 SUBSTITUTE SENATE BILL NO. 5096,
 SENATE BILL NO. 5113,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5120,
 SENATE BILL NO. 5125,
 SUBSTITUTE SENATE BILL NO. 5137,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5139,
 SECOND SUBSTITUTE SENATE BILL NO. 5141,
 SUBSTITUTE SENATE BILL NO. 5164,
 ENGROSSED SENATE BILL NO. 5165,
 SUBSTITUTE SENATE BILL NO. 5167,
 SUBSTITUTE SENATE BILL NO. 5184,
 SENATE BILL NO. 5197,
 SUBSTITUTE SENATE BILL NO. 5211,
 SENATE BILL NO. 5221,

 SENATE BILL NO. 5224,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5228,
 SECOND SUBSTITUTE SENATE BILL NO. 5236,
 SUBSTITUTE SENATE BILL NO. 5247,
 SENATE BILL NO. 5263,
 SUBSTITUTE SENATE BILL NO. 5267,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5279,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5291,
 SECOND SUBSTITUTE SENATE BILL NO. 5292,
 ENGROSSED SENATE BILL NO. 5294,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5295,
 SUBSTITUTE SENATE BILL NO. 5303,
 SENATE BILL NO. 5304,
 SECOND SUBSTITUTE SENATE BILL NO. 5308,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5322,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5323,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5327,
 SENATE BILL NO. 5339,
 SUBSTITUTE SENATE BILL NO. 5354,
 SUBSTITUTE SENATE BILL NO. 5363,
 SUBSTITUTE SENATE BILL NO. 5366,
 SENATE BILL NO. 5367,
 SENATE BILL NO. 5375,
 SECOND SUBSTITUTE SENATE BILL NO. 5376,
 SUBSTITUTE SENATE BILL NO. 5385,
 SUBSTITUTE SENATE BILL NO. 5388,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5389,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5393,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
 SUBSTITUTE SENATE BILL NO. 5428,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5434,
 SENATE BILL NO. 5435,
 SUBSTITUTE SENATE BILL NO. 5441,
 SUBSTITUTE SENATE BILL NO. 5443,
 SENATE BILL NO. 5447,
 SENATE BILL NO. 5467,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5478,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5483,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5485,
 SUBSTITUTE SENATE BILL NO. 5488,
 SECOND SUBSTITUTE SENATE BILL NO. 5489,
 ENGROSSED SENATE BILL NO. 5496,
 SENATE BILL NO. 5501,
 SENATE BILL NO. 5518,
 SENATE BILL NO. 5519,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5523,
 SUBSTITUTE SENATE BILL NO. 5525,
 SUBSTITUTE SENATE BILL NO. 5532,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5536,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5544,
 ENGROSSED SECOND SUBSTITUTE
 SENATE BILL NO. 5549,
 SECOND SUBSTITUTE SENATE BILL NO. 5572,
 SENATE BILL NO. 5584,
 SENATE BILL NO. 5585,
 SUBSTITUTE SENATE BILL NO. 5591,
 SUBSTITUTE SENATE BILL NO. 5593,
 SUBSTITUTE SENATE BILL NO. 5603,
 SENATE BILL NO. 5613,
 ENGROSSED SENATE BILL NO. 5616,
 SUBSTITUTE SENATE BILL NO. 5633,
 SENATE BILL NO. 5635,

- SENATE BILL NO. 5640,
- SENATE BILL NO. 5653,
- ENGROSSED SECOND SUBSTITUTE
- SENATE BILL NO. 5662,
- SUBSTITUTE SENATE BILL NO. 5687,
- SUBSTITUTE SENATE BILL NO. 5694,
- SENATE BILL NO. 5716,
- ENGROSSED SECOND SUBSTITUTE
- SENATE BILL NO. 5720,
- SENATE BILL NO. 5731,
- SUBSTITUTE SENATE BILL NO. 5735,
- SUBSTITUTE SENATE BILL NO. 5739,
- ENGROSSED SECOND SUBSTITUTE
- SENATE BILL NO. 5740,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
- ENGROSSED SENATE BILL NO. 5755,
- ENGROSSED SENATE BILL NO. 5765,
- SECOND SUBSTITUTE SENATE BILL NO. 5774,
- ENGROSSED SENATE BILL NO. 5779,
- SENATE BILL NO. 5782,
- SENATE BILL NO. 5787,
- SENATE BILL NO. 5792,
- SENATE BILL NO. 5811,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5812,
- SENATE BILL NO. 5816,
- SECOND SUBSTITUTE SENATE BILL NO. 5820,
- SECOND SUBSTITUTE SENATE BILL NO. 5822,
- SENATE BILL NO. 5826,
- SENATE BILL NO. 5828,
- SUBSTITUTE SENATE BILL NO. 5829,
- SUBSTITUTE SENATE BILL NO. 5839,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5853,
- SECOND SUBSTITUTE SENATE BILL NO. 5873,
- SUBSTITUTE SENATE BILL NO. 5876,
- SUBSTITUTE SENATE BILL NO. 5919,
- SENATE BILL NO. 5930,
- SUBSTITUTE SENATE BILL NO. 5936,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5946,
- SECOND SUBSTITUTE SENATE BILL NO. 5947,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5986,
- SENATE JOINT MEMORIAL NO. 8008,
- SENATE CONCURRENT RESOLUTION NO. 8403,
- ENGROSSED SENATE CONCURRENT
- RESOLUTION NO. 8405

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

At 12:00 o'clock a.m., on motion of Senator Liias, the 2019 Regular Session of the Sixty-Sixth Legislature adjourned SINE DIE.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

SENATE ROSTER

AND

COMMITTEE ASSIGNMENTS

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Previous Years Served Senate
Bailey, Barbara	10	R	Island, Skagit (P), Snohomish (P)	PO Box 40010 Olympia, WA 98504-0410	MO	Mgmt/Training Consultant	2003-2012	2013-
Becker, Randi	2	R	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1948 - WA	Retired Medical Practice Admin		2009-
Billig, Andy	3	D	Spokane (P)	25 W Main Ave Suite 237 Spokane, WA 99201	1968 - NY	Baseball Executive	2011-2012	2013-
Braun, John	20	R	Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1967 - OH	President of Braun Northwest		2013-
Brown, Sharon	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1962 - NY	Attorney		Appt. 2/4/2013-
Carlyle, Reuven	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1965 -	Software Entrepreneur	2009-2015	Appt. 1/7/2016-
Cleveland, Annette	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449				2013-
Conway, Steve	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	OR	Retired, Labor Relations Specialist	Appt. 1/25/1993, 1994-2010	2011-
Darneille, Jeannie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1949 - AK	Senator	2001-2012	2013-
Das, Mona	47	D	King (P)	PO Box 40447 Olympia, WA 98504-0447				Elected 11/29/2017-
Dhingra, Manka	45	D	King (P)	PO Box 40445 Olympia, WA 98504-0445				
Ericksen, Doug	42	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1969 - WA	Legislator	1999-2010	2011-
Fortunato, Phil	31	R	King (P), Pierce (P)	PO Box 2201 Auburn, WA 98071		Environmental Consultant	1999-2001	Appt. 1/7/2017-
Frockt, David	46	D	King (P)	PO Box 40446 Olympia, WA 98504-0446		Attorney	2011	Appt. 11/14/2011-
Hasegawa, Bob	11	D	King (P)	PO Box 40411 Olympia, WA 98504-0411	WA	Operating Engineer	2005-2012	2013-
Hawkins, Brad	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412			2013-2016	2017-
Hobbs, Steve	44	D	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	WA	Major, WA National Guard		2007-
Holy, Jeff	6	R	Spokane (P)	PO Box 40406 Olympia, WA 98504-0406		Attorney	2013-2018	
Honeyford, Jim	15	R	Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	OR	Farmer/Retired Educator	1995-1998	1999-
Hunt, Sam	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1942 - MT	Senator	2001-2016	2017-

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947 - IA	Ret. Communications Director	1996-2001	Appt. 12/10/2001-
King, Curtis	14	R	Clark (P), Klickitat, Skamania, Yakima (P)	414 N 2 nd St Yakima, WA 98901	1946 - WA	Former Business Owner		Appt. 11/29/2007-
Kuderer, Patty	48	D	King (P)	1611 116 th Ave NE #205 Bellevue, WA 98005	1958 - MN	Attorney	Appt. 9/28/2015, 2016	Appt. 1/5/2017-
Liias, Marko	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1981 - WA	Policy Analyst	2008-2014	Appt. 1/22/2014-
Lovelett, Liz	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440				
McCoy, John	38	D	Snohomish (P)	2930 Wetmore Ave Ste 9C-2 Everett, WA 98201	1943 - WA	Legislator	2002-2013	Appt. 11/27/2013-
Mullet, Mark	5	D	King (P)	2550 NE Park Dr. #7 Issaquah, WA 98029	1972 - WA	Ben & Jerry's Owner		Appt. 11/30/2012-
Nguyen, Joe	34	D	King (P)	PO Box 40434 Olympia, WA 98504-0434				
O'Ban, Steve	28	R	Pierce (P)	PO Box 40428 Olympia, WA 09504-0428	1961 - CA	Attorney	2013	Appt. 6/5/2013-
Padden, Mike	4	R	Spokane (P)	408 N Mullan Rd Ste 106 Spokane Valley, WA 99206	1946 - OR	Attorney	1981-1995	Appt. 11/29/2011-
Palumbo, Guy	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401	1973 - NY	Small Business Owner		2017-
Pedersen, Jamie	43	D	King (P)	1200 12 th Ave S Ste 801 Seattle, WA 98144	1968-WA	Lawyer	2007-2013	Appt. 12/16/2013-
Randall, Emily	26	D	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426				
Rivers, Ann	18	R	Clark (P)	PO Box 40418 Olympia, WA 98504-0418		Public Affairs Consultant	2011-2012	Appt. 6/25/2012-
Rolfes, Christine	23	D	Kitsap (P)	P. O. Box 40423 Olympia, WA 09505-0423	1967 - NY	Senator	2007-2011	Appt. 7/26/2011-
Saldaña, Rebecca	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1977 - WA	Non-Profit Consultant		2017-
Salomon, Jesse	32	D	King (P), Snohomish (P)	PO Box 40432 Olympia, WA 98504-0504				
Schoessler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957 - WA	Self-Employed Farmer	1993-2004	2005-
Sheldon, Tim	35	D	Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947 - WA	Tree Farmer	1991-1997	Elected 11/4/1997-

Name of Member	District	Party	County	Mailing Address	Birth Year - Place	Occupation	Previous Years Served House	Senate
Short, Shelly	7	R	Ferry, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1962 - WA	Legislator	2009-2016	Appt. 2/1/2017-
Takko, Dean	19	D	Cowlitz (P), Grays Harbor (P), Lewis (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1950 - WA	Legislator	Appt. 12/21/2004, 2005-2014	Appt. 10/22/2015-
Van De Wege, Kevin	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1974 - WA	Firefighter/Paramedic	2007-2016	2017-
Wagoner, Keith	39	R	King (P), Skagit (P), Snohomish (P)	PO Box 40439 Olympia, WA 90504-0439				Appt. 1/3/2018-
Walsh, Maureen	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1960 - OH	Legislator	2005-2016	2017-
Warnick, Judy	13	R	Grant (P), Kittitas, Lincoln, Yakima (P)	326 S Cedar Street, Suite A Moses Lake, WA 98837	1950 - WA	Collection Agency	2007-2014	2015-
Wellman, Lisa	41	D	King (P)	14205 SE 36 th St Ste 310 Bellevue, WA 98006	NY	Business Consultant		2017-
Wilson, Claire	30	R	King (P), Pierce (P)	PO Box 40430 Olympia, WA 98504-0430				
Wilson, Lynda	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	WA	Manufacturer	2015-2016	2017-
Zeiger, Hans	25	R	Pierce (P)	PO Box 40425 Olympia, WA 98504-0425	1985 - WA	Author	2011-2016	2017-
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482		Secretary of the Senate	Dep. Sec of Sen 1998-2002 2004-2014	2017-
Bannister, Sarah				PO Box 40482 Olympia, WA 98504-0482		Deputy Secretary of the Senate		2017-

Membership of
Senate Standing Committees

2019

Agriculture, Water, Natural Resources & Parks (7) -- Van De Wege, Chair; Salomon, Vice Chair; *Warnick; Honeyford; McCoy; Rolfes; Short

Behavioral Health Subcommittee to Health & Long Term Care (5) -- Dhingra, Chair; *Wagoner; Darneille; Frockt; O'Ban

Early Learning & K-12 Education (11) -- Wellman, Chair; Wilson, C., Vice Chair; *Hawkins; Holy; Hunt; McCoy; Mullet; Padden; Pedersen; Salomon; Wagoner

Environment, Energy & Technology (15) -- Carlyle, Chair; Palumbo, Vice Chair; *Ericksen; *****Fortunato; *****Sheldon; Billig; Brown; Das; Hobbs; Lias; McCoy; Nguyen; Rivers; Short; Wellman

Financial Institutions, Economic Development & Trade (7) -- Mullet, Chair; Hasegawa, Vice Chair; *Wilson, L.; Braun; Das; Ericksen; Hobbs

Health & Long Term Care (11) -- Cleveland, Chair; Randall, Vice Chair; *O'Ban; Bailey; Becker; Conway; Dhingra; Frockt; Keiser; Rivers; Van De Wege

Higher Education & Workforce Development (7) -- Palumbo, Chair; Randall, Vice Chair; *Holy; Brown; Ericksen; Lias; Wellman

Housing Stability & Affordability (7) -- Kuderer, Chair; Das, Vice Chair; *Zeiger; Darneille; Fortunato; Saldaña; Warnick

Human Services, Reentry & Rehabilitation (7) -- Darneille, Chair; Nguyen, Vice Chair; *Walsh; Cleveland; O'Ban; Wilson, C.; Zeiger

Labor & Commerce (7) -- Keiser, Chair; Conway, Vice Chair; *King; Braun; Saldaña; Walsh; Wellman

Law & Justice (7) -- Pedersen, Chair; Dhingra, Vice Chair; *Padden; Holy; Kuderer; Salomon; Wilson, L.

Local Government (5) -- Takko, Chair; Salomon, Vice Chair; *Short; Honeyford; Lovelett

Rules (17) -- Habib, Chair; Keiser, Vice Chair; *Schoesler; Becker; Billig; Carlyle; Cleveland; Hasegawa; King; Kuderer; Lias; McCoy; Nguyen; Pedersen; Rivers; Sheldon; Short

State Government, Tribal Relations & Elections (7) -- Hunt, Chair; Kuderer, Vice Chair; *Zeiger; Bailey; Hasegawa; Hawkins; Takko

Transportation (15) -- Hobbs, Chair; Saldaña, Vice Chair; *King; **Sheldon; Cleveland; Das; Fortunato; Lovelett; Nguyen; O'Ban; Padden; Randall; Takko; Wilson, C.; Zeiger

Ways & Means (24) -- Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; *Braun; ***Brown; ****Honeyford; Bailey; Becker; Billig; Carlyle; Conway; Darneille; Hasegawa; Hunt; Keiser; Lias; Palumbo; Pedersen; Rivers; Schoesler; Van De Wege; Wagoner; Warnick; Wilson, L.

* Ranking Member

** Asst. Ranking Member

*** Asst. Ranking Member, Operating

**** Asst. Ranking Member, Capital

***** Asst. Ranking Member, Environment

***** Asst. Ranking Member, Energy & Technology

The Lt. Governor is a voting member of the Rules Committee.

Membership Assignments to
Senate Standing Committees

2019

Bailey, Barbara -- Health & Long Term Care; State Government, Tribal Relations & Elections; Ways & Means

Becker, Randi -- Health & Long Term Care; Rules; Ways & Means

Billig, Andy -- Environment, Energy & Technology; Rules; Ways & Means

Braun, John -- *Ways & Means; Financial Institutions, Economic Development & Trade; Labor & Commerce

Brown, Sharon -- Ways & Means; Environment, Energy & Technology; Higher Education & Workforce Development

Carlyle, Reuven -- Environment, Energy & Technology, Chair; Rules; Ways & Means

Cleveland, Annette -- Health & Long Term Care, Chair; Human Services, Reentry & Rehabilitation; Rules; Transportation

Conway, Steve -- Labor & Commerce, Vice Chair; Health & Long Term Care; Ways & Means

Darneille, Jeannie -- Human Services, Reentry & Rehabilitation, Chair; Behavioral Health Subcommittee to Health & Long Term Care; Housing Stability & Affordability; Ways & Means

Das, Mona -- Housing Stability & Affordability, Vice Chair; Environment, Energy & Technology; Financial Institutions, Economic Development & Trade; Transportation

Dhingra, Manka -- Behavioral Health Subcommittee to Health & Long Term Care, Chair; Law & Justice, Vice Chair; Health & Long Term Care

Ericksen, Doug -- *Environment, Energy & Technology; Financial Institutions, Economic Development & Trade; Higher Education & Workforce Development

Fortunato, Phil -- Environment, Energy & Technology; Housing Stability & Affordability; Transportation

Frocht, David -- Ways & Means; Behavioral Health Subcommittee to Health & Long Term Care; Health & Long Term Care

Hasegawa, Bob -- Financial Institutions, Economic Development & Trade, Vice Chair; Rules; State Government, Tribal Relations & Elections; Ways & Means

Hawkins, Brad -- *Early Learning & K-12 Education; State Government, Tribal Relations & Elections

Hobbs, Steve -- Transportation, Chair; Environment, Energy & Technology; Financial Institutions, Economic Development & Trade

Holy, Jeff -- *Higher Education & Workforce Development; Early Learning & K-12 Education; Law & Justice

Honeyford, Jim -- Ways & Means; Agriculture, Water, Natural Resources & Parks; Local Government

Hunt, Sam -- State Government, Tribal Relations & Elections, Chair; Early Learning & K-12 Education; Ways & Means

Keiser, Karen -- Labor & Commerce, Chair; Rules, Vice Chair; Health & Long Term Care; Ways & Means

King, Curtis -- *Labor & Commerce; *Transportation; Rules

Kuderer, Patty -- Housing Stability & Affordability, Chair; State Government, Tribal Relations & Elections, Vice Chair; Law & Justice; Rules

Liias, Marko -- Environment, Energy & Technology; Higher Education & Workforce Development; Rules; Ways & Means

Lovelett, Liz -- Local Government; Transportation

McCoy, John -- Agriculture, Water, Natural Resources & Parks; Early Learning & K-12 Education; Environment, Energy & Technology; Rules

Mullet, Mark -- Financial Institutions, Economic Development & Trade, Chair; Ways & Means; Early Learning & K-12 Education

Nguyen, Joe -- Human Services, Reentry & Rehabilitation, Vice Chair; Environment, Energy & Technology; Rules; Transportation

O'Ban, Steve -- *Health & Long Term Care; Behavioral Health Subcommittee to Health & Long Term Care; Human Services, Reentry & Rehabilitation; Transportation

Padden, Mike -- *Law & Justice; Early Learning & K-12 Education; Transportation

Palumbo, Guy -- Higher Education & Workforce Development, Chair; Environment, Energy & Technology, Vice Chair; Ways & Means

Pedersen, Jamie -- Law & Justice, Chair; Early Learning & K-12 Education; Rules; Ways & Means

Randall, Emily -- Health & Long Term Care, Vice Chair; Higher Education & Workforce Development, Vice Chair; Transportation

Rivers, Ann -- Environment, Energy & Technology; Health & Long Term Care; Rules; Ways & Means

Rolfes, Christine -- Ways & Means, Chair; Agriculture, Water, Natural Resources & Parks

Saldaña, Rebecca -- Transportation, Vice Chair; Housing Stability & Affordability; Labor & Commerce

Salomon, Jesse -- Agriculture, Water, Natural Resources & Parks, Vice Chair; Local Government, Vice Chair; Early Learning & K-12 Education; Law & Justice

Schoesler, Mark -- *Rules; Ways & Means

Sheldon, Tim -- **Transportation; Environment, Energy & Technology; Rules

Short, Shelly -- *Local Government; Agriculture, Water, Natural Resources & Parks; Environment, Energy & Technology; Rules

Takko, Dean -- Local Government, Chair; State Government, Tribal Relations & Elections; Transportation

Van De Wege, Kevin -- Agriculture, Water, Natural Resources & Parks, Chair; Health & Long Term Care; Ways & Means

Wagoner, Keith -- *Behavioral Health Subcommittee to Health & Long Term Care; Early Learning & K-12 Education; Ways & Means

Walsh, Maureen -- *Human Services, Reentry & Rehabilitation; Labor & Commerce

Warnick, Judy -- *Agriculture, Water, Natural Resources & Parks; Housing Stability & Affordability; Ways & Means

Wellman, Lisa -- Early Learning & K-12 Education, Chair; Environment, Energy & Technology; Higher Education & Workforce Development; Labor & Commerce

Wilson, Claire -- Early Learning & K-12 Education, Vice Chair; Human Services, Reentry & Rehabilitation; Transportation

Wilson, Lynda -- *Financial Institutions, Economic Development & Trade; Law & Justice; Ways & Means

Zeiger, Hans -- *Housing Stability & Affordability; *State Government, Tribal Relations & Elections; Human Services, Reentry & Rehabilitation; Transportation

* Ranking Member

** Asst. Ranking Member

The Lt. Governor is a voting member of the Rules Committee.

2019

SENATE ADMINISTRATION

Hendrickson, Brad	Secretary of the Senate
Bannister, Sarah	Deputy Secretary of the Senate
Cantore, Victoria	Sr. Senate Counsel
Gorrell, Jeannie	Sr. Senate Counsel
Bell, Laura	Sr. Office Coordinator
Gay, Diane	Payroll Analyst 2
Gustafson, Janelle	Office Assistant
Kochaniewicz, Sean	Rostrum Operations Clerk
Parker, Tara	Human Resources Officer
Sherrill, Breann	Workroom Clerk
Stratton, Randi	Public Records Officer
Thai, Tessica	Staff Coordinator
Wulff, Derrick	Human Resource Consultant II
Yunker Carlson, Brittany	Sr. Workroom Clerk

SENATE CIVIC EDUCATION STAFF

Rust, Colleen	Civic Education Director
Hernandez, Myra	Asst. Civic Ed/Intern Coord.
Villarreal, Margot	Page Supervisor
Davidson, Mia	Asst. Page Supervisor
Lacey, Elizabeth	Page Dispatcher

SENATORS PERSONAL STAFF

Angelini, Vicki	Sr. Legislative Assistant	Senator Bailey
Arndt, Meagan	Sr. Legislative Assistant	Senator Hunt
Backous, Jonathan	Session Aide	Senator Wagoner
Banuelos, Cynthia	Assoc. Legislative Assistant	Senator Warnick
Barnecut, Emilia	Session Aide	Senator Nguyen
Barnfather, Linda	Sr. Legislative Assistant	Senator Van De Wege
Birley, Kennedy	Session Aide	Senator Wellman
Blandford, Keshia	Session Aide	Senator Wellman
Bohler, Alexander	Legislative Assistant	Senator Fortunato
Boyd, Erika	Session Aide	Senator Lovelett
Bruce, Joyce	Session Aide	Senator Saldaña
Burgher, Noah	Legislative Assistant	Senator Wellman
Burnley, Beverly	Session Aide	Senator Sheldon
Chang, Jenny	Session Aide	Senator Hasegawa
Chargualaf, Kali	Session Aide	Senator Randall
Chindavongsa, Crystal	Assoc. Legislative Assistant	Senator Frockt
Cho, Sam	Legislative Assistant	Senator Hasegawa
Connolly, Noelle	Executive Assistant	Senator Billig
Cook, Olivia	Session Aide	Senator Kuderer
Cooper, Suzette	Sr. Legislative Assistant	Senator Sheldon
Copeland, Abigail	Session Aide	Senator O'Ban
Cowen, Coby	Session Aide	Senator O'Ban
Craig-Mickel, Eden	Legislative Assistant	Senator Becker
Crowell, Abby	Session Aide	Senator Wilson
Culevski, Penka	Legislative Assistant	Senator Pedersen
Day, Adam	Sr. Legislative Assistant	Senator Mullet
Dickinson, Billie	Session Aide	Senator Van De Wege
Dinnison, Kate	Assoc. Legislative Assistant	Senator Billig
Ditlefsen, Kaylee	Session Aide	Senator Conway
Dodd, Bayley	Assoc. Legislative Assistant	Senator Wilson
Dubin, Clayton	Session Aide	Senator Liias
Edwards, Conner	Session Aide	Senator Bailey
Elam, Steven	Session Aide	Senator Brown
Elder, John	Sr. Legislative Assistant	Senator Salomon
Finley, Sharra	Sr. Legislative Assistant	Senator Wagoner
Fisch, Lisa	Sr. Legislative Assistant	Senator Darneille
Florez, Crystal	Executive Assistant	Senator McCoy
Garland, Shannon	Executive Assistant	Senator Short
Gill, Gary	Session Aide	Senator Palumbo
Golla, Remy	Executive Assistant	Senator McCoy
Gordon, Kevin	Session Aide	Senator Cleveland
Greening, JD	Session Aide	Senator Honeyford
Greenlaw, Marshall	Session Aide	Senator Hawkins
Grimm, Jack	Legislative Assistant	Senator Hawkins
Grosman, Katharina	Session Aide	Senator Das
Hallenberg, Aaron	Legislative Assistant	Senator Zeiger

SENATORS PERSONAL STAFF

Hardtke, Amber	Sr. Legislative Assistant	Senator Wilson
Hasz, Josalun	Session Aide	Senator Rivers
Hendrickson, Sam	Session Aide	Senator Mullet
Hitchcock, Calyn	Session Aide	Senator King
Hollar, Lillian	Session Aide	Senator Wilson
Jackson, Ashley	Assoc. Legislative Assistant	Senator Dhingra
Jackson, Misha	Legislative Assistant	Senator Hobbs
Johnson, Anna	Session Aide	Senator Frockt
Jourdan, John	Session Aide	Senator Padden
Juno, Nicholas	Session Aide	Senator Liias
Kadah, Ayla	Legislative Assistant	Senator Saldaña
Killsback, Dalayah	Assoc. Legislative Assistant	Senator McCoy
Kohlwes, Curt	Executive Assistant	Senator Liias
Kronen, Jordan	Assoc. Legislative Assistant	Senator Lovelett
Kuehn, Matthew	Assoc. Legislative Assistant	Senator Palumbo
Lavoy, Tanya	Assoc. Legislative Assistant	Senator Kuderer
Lelli, Kimberlie	Sr. Legislative Assistant	Senator Conway
MacKersie, Richelle	Legislative Assistant	Senator O'Ban
Mai, Rosa	Assoc. Legislative Assistant	Senator Nguyen
Marchetti, Monica	Session Aide	Senator Zeiger
Maxwell-Neff, Warner	Session Aide	Senator Carlyle
May, Jeri	Sr. Legislative Assistant	Senator Braun
McCoy, Matt	Session Aide	Senator Holy
McWain, Penelope	Sr. Legislative Assistant	Senator Honeyford
Michael, Reni	Legislative Assistant	Senator Brown
Minich, Jennifer	Legislative Assistant	Senator Keiser
Myers, Sarah	Assoc. Legislative Assistant	Senator Randall
Nelson, Michael	Legislative Assistant	Senator Rivers
Owens, Linda	Executive Assistant	Senator Rolfes
Pailthorp, Daniel	Session Aide	Senator Salomon
Peck, Joshua	Assoc. Legislative Assistant	Senator Carlyle
Peterson, Ruth	Sr. Legislative Assistant	Senator Braun
Randall, Lynne Marie	Session Aide	Senator Pedersen
Rasavage, William	Legislative Assistant	Senator Holy
Rexus, Brendan	Session Aide	Senator Walsh
Ruff, Sandy	Sr. Legislative Assistant	Senator Ericksen
Saeteurn, Chio	Sr. Legislative Assistant	Senator Das
Sanné, Kaden	Assoc. Legislative Assistant	Senator Schoesler
Sanné, Tiffani	Executive Assistant	Senator Becker
Schiewe, Kasey	Session Aide	Senator Hunt
Smith, Robert	Session Aide	Senator Fortunato
Smith, Tawnya	Sr. Legislative Assistant	Senator King
Smolen, Jennifer	Executive Assistant	Senator Hobbs
Steele, Savanna	Session Aide	Senator Dhingra
Steelquist, Peter	Executive Assistant	Senator Rolfes
Suttle, Darci	Sr. Legislative Aide	Senator Takko

SENATORS PERSONAL STAFF

Swenson, Jan	Sr. Legislative Aide	Senator Walsh
Thomas, Chris	Session Aide	Senator Takko
Vo, Leena	Session Aide	Senator Darneille
Voye, Janet	Legislative Assistant	Senator Padden
Ward, Samantha	Session Aide	Senator Warnick
Wehinger, Alexandra	Session Aide	Senator Keiser
Weston, Tammy	Session Aide	Senator Short
Winters, Krista	Sr. Executive Assistant	Senator Schoesler
Winters, Vickie	Sr. Legislative Assistant	Senator Cleveland
Yager, Amanda	Session Aide	Senator Ericksen

SENATE COMMITTEE SERVICES

Gavigan, Curt Sr. Staff Director
 Johnson, Kimberly Deputy Director

Adams, Jasmin	Sr. Committee Assistant	King, Dana	Committee Assistant
Alishahi, Michele	Fiscal Analyst II	Kinne-Clawson, Alicia	Staff Coord/Analyst
Andersen, Scott	Committee Assistant	Klein, Evan	Staff Coord/Counsel
Attanasio, Greg	Staff Counsel II	Kleis, Angela	Research Analyst I
Bauer, Shani	Sr. Staff Counsel	Masterson, Daniel	Fiscal Analyst II
Bezanson, Michael	Sr. Staff Coordinator	McCarthy, Clinton	Staff Coord/Analyst
Black, Kevin	Staff Coord/Counsel	McGuire, Vikki	Bill Report Coordinator
Bramlet, Erica	Fiscal Analyst II	Mendiola, Alison	Staff Coord/Counsel
Brown, Samuel	Staff Coord/Counsel	Merrick, LeighBeth	Research Analyst II
Burke-Cain, Melissa	Sr. Staff Counsel	Mielke, Susan	Sr. Staff Coord/Counsel
Cecil, Amanda	Sr. Fiscal Analyst	Mitchell, Jeffrey	Fiscal Coordinator
Cushing, Kimberly	Sr. Staff Coordinator	Moore, Bryon	Sr. Fiscal Analyst
Daley, Sierra	Committee Assistant	Murray, Julie	Sr. Budget Counsel
Dugal, Victor	Committee Clerk	Naas, Jeffrey	Sr. Fiscal Analyst
Dzieza, Rebecca	Committee Assistant	O'Connell, Kevan	Bill Report Assistant
Epps, Karen	Sr. Staff Coord/Counsel	Odano, Jan	Sr. Research Analyst
Eskenazi, Aaron	Committee Assistant	Olsen, Jeff	Sr. Research Analyst
Fairfortune, Alexandra	Sr. Staff Counsel	Omdal, Benjamin	Assoc. Staff Counsel
Farley, Marie Louise	Committee Clerk	Popovac, Brandon	Staff Coord/Counsel
Ford, Timothy	Staff Coord/Counsel	Ramsey, Richard	Fiscal Coordinator
Gamble, Hayley	Sr. Fiscal Analyst	Reass, Shaun	Bill Report Assistant
Garza, Maria	Committee Clerk	Richardson, Ivy	Committee Assistant
Gillett, Maya	Committee Assistant	Riffer, Alison	Committee Assistant
Goodwin, Claire	Fiscal Analyst I	Rodger, Richard	Sr. Staff Counsel
Greenleaf, Samantha	Committee Clerk	Sacks, Jarrett	Staff Counsel I
Gunn, Kellee	Research Analyst I	Scott, Sarian	Sr. Fiscal Analyst
Hammer, Kayla	Fiscal Analyst I	Silvernail, Callin	Committee Assistant
Hartmann, Michael	Committee Clerk	Simpson, Kelly	Sr. Staff Coordinator
Herman, Jed	Sr. Fiscal Analyst	Southard, Matthew	Committee Clerk
Horton, Russell	Committee Assistant	Stith, Sandy	Sr. Fiscal Analyst
Hovde, Maria	Sr. Fiscal Analyst	Sugarman, Travis	Sr. Fiscal Analyst
Jaime, Sandy	Office Manager	t'Sas, Ries	Committee Clerk
Johnson, Carly	Committee Assistant	Tudor, Megan	Committee Assistant
Jones, Susan	Staff Coord/Counsel	Van Gorkom, Melissa	Research Analyst II
Kato, Ailey	Staff Coord/Counsel	Vogel, Gregory	Assoc. Staff Counsel
Kennedy, Alia	Staff Counsel I	Ward, David	Fiscal Coordinator
Kennedy, Ariel	System Analyst	Waterland, Keri	Sr. Research Analyst
Kettel, James	Fiscal Coordinator	Weeks, Elizabeth	Committee Assistant
Khan, Nazeedah	Committee Assistant	Woltjer, David	Committee Clerk
Kim, Bonnie	Staff Coord/Counsel	Woods, Ryann	Committee Assistant

REPUBLICAN CAUCUS STAFF

Troyer, James	Sr. Staff Director
Campos, Paul	Staff Coordinator
Delaney, Ashlee	Executive Assistant
Martin, James	Sr. Legislative Assistant
Lubchuk, Shelby	Session Aide
McCoy, Sharon	Session Aide

POLICY

Lawrence, Kathleen	Staff Coord/Analyst
Crandall, James	Sr. Staff Counsel
Himebaugh, Daniel	Sr. Staff Counsel
Moore, Ryan	Sr. Staff Counsel
Presley, Martin	Assoc. Staff Counsel
Richartz, Sandra	Staff Counsel I
Shakotko, Veronica	Sr. Staff Counsel
Strong, Stafford	Staff Counsel I
Tremble, Matthew	Staff Counsel I

COMMUNICATIONS

Wirtz, Kimberly	Communications Director
Stallworth, Booker	Dep. Comm. Director
Campbell, Eric	Sr. Information Officer
Ellis, Tracey	Information Officer
Espinoza, Laudan	Sr. Information Officer
Fils, Luc-Rikardo	Information Officer
Gullion, Tricia	Information Officer
Smith, Erik	Sr. Information Officer
Zylstra, Brian	Sr. Information Officer

DEMOCRATIC CAUCUS STAFF

Avalos, Paulette	Chief of Staff
Lewis-Lechner, Heather	Sr. Leadership Counsel
Dodds, Peter	Sr. Executive Assistant
Bushman, Eileen	Casework Coordinator
Sherman, Mary	Liaison to Member Offices

POLICY

Clifthorne, Sarah	Staff Coordinator
Althaus, Michael	Staff Counsel II
Bridges, Matt	Sr. Fiscal Analyst
Hall, Adam	Staff Counsel II
Junejo, Samir	Staff Counsel I
Mahgoub, Noha	Research Analyst I
McCarty, Hannah	Staff Counsel II
Pringle, Dave	Research Analyst I
Wilburn, Gary	Sr. Staff Coordinator

COMMUNICATIONS

Wasser, Aaron	Communications Director
West, Chris	Deputy Comm Director
Dickson, Amelia	Information Officer
Ellis, Steven	Staff Counsel I
Fockele, Kenneth	Information Officer
Herrera, Nicole	Assoc. Information Officer
Manugian, Richard	Sr. Information Officer
Sherman, Aaron	Information Officer
Weider, Bre	Information Officer

OFFICE OF SENATE SECURITY
PERMANENT SECURITY STAFF

Staubitz, Andy	Security Director
Burt, Michael	Deputy Security Director
Brickey, Christina	Sr. Legislative Assistant
Day, Gary	Asst. Sergeant at Arms
Hamill, James	Asst. Sergeant at Arms
Anderson, Chris	Asst. Sergeant at Arms

SESSION SECURITY STAFF

Bierer, William	Asst. Sergeant at Arms	McKissick, Sally	Security Staff
Hamre, Juanita	Asst. Sergeant at Arms	Melchiori, Aldo	Security Staff
Humbock, Gary	Asst. Sergeant at Arms	Nicklaus, Jack	Security Staff
McGrady, Larry	Asst. Sergeant at Arms	Olson, Roger	Security Staff
Nelson, Richard	Asst. Sergeant at Arms	Otto, Ronald	Security Staff
Boede, Christina	Security Staff	Patstone, David	Security Staff
Bowen, Cathryn	Security Staff	Patten, Gerard	Security Staff
Bradford, Delano	Security Staff	Peterson, Gregg	Security Staff
Brown, Diane	Security Staff	Pike, Gerald	Security Staff
Cliffthorne, Dylan	Security Staff	Rankin, Thurman	Security Staff
Culleton, Thomas	Security Staff	Rayson, Jodeen	Security Staff
Denney, James	Security Staff	Ritchey, Paul	Security Staff
Derouchie, Gary	Security Staff	Rivas, Juan	Security Staff
Edwards, Dwight	Security Staff	Rogers, Ryan	Security Staff
Farley, Matthew	Security Staff	Selleg, Bruce	Security Staff
Hallom, Norris	Security Staff	Selleg, Logan	Security Staff
Janda, Peter	Security Staff	Sheehan, Julia	Security Staff
Jorgensen, Gerald	Security Staff	Sinclair, Anthony	Security Staff
Lane, Allyn	Security Staff	Van Mieghem, William	Security Staff
Loffler, Cody	Security Staff		

LEGISLATIVE AGENCIES

OFFICE OF THE STATE ACTUARY (OSA)	WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY (WSIPP)
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE (JLARC)	LEGISLATIVE SUPPORT SERVICES (LSS)
OFFICE OF THE CODE REVISER/STATUTE LAW COMMITTEE (SLC)	JOINT LEGISLATIVE SYSTEMS COMMITTEE (JLSC)
LEGISLATIVE ETHICS BOARD (LEB)	JOINT TRANSPORTATION COMMITTEE (JTC)
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE (LEAP)	

The Washington State Legislative Intern Program is an academic internship for college students from around Washington State. Interns are assigned to Senate offices and are mentored by members and staff as they conduct research, track legislation, and work with constituents. In addition to building professional experience through their office work, interns earn academic credit and take part in seminars and workshops with state policymakers to gain a first-hand understanding of the legislative process.

The 45 Senate interns in 2019 represented 14 college campuses, a wide range of majors, and communities all over Washington.

Colleen Rust, Civic Education Director
Myra Hernandez, Assistant Intern Coordinator

2019 Washington State Senate Interns

<i>Name</i>	<i>Senator / Office</i>	<i>University</i>
Abebew, Endalkachew	Senator Keiser	Washington State University - Pullman
Ahrend, Dagny	Senator Padden	Saint Martin's University
Birley, Kennedy	Senator Wellman	Saint Martin's University
Bughrara, Mohamed	Senator Palumbo	University of Washington – Bothell
Carlson, Caleb	Senator Warnick	Central Washington University – Ellensburg
Caruth, Maya	Senator Wilson, C.	Eastern Washington University
Cowan, Coby	Senator O'Ban	Western Washington University
Edelman, Highland	Senator Lovelett	University of Washington – Bothell
Estey, John	Senator Schoesler	Eastern Washington University
Frohlich, Matthew	Senator Ericksen	Washington State University – Vancouver
Greninger, Emily	Senator Brown	Washington State University – Pullman
Harris, Aidan	Senator Salomon	Washington State University – Pullman
Hendrikse, Lamar	Senators Hunt & Van De Wege	University of Washington – Bothell
James, Courtney	Democratic Caucus	University of Washington – Tacoma
Jones, Maria	Senator Das	University of Washington – Seattle
Kelstrup, Reidar	Senator Holy	University of Washington – Tacoma
Keopanapay, Maekara	Senator Pedersen	University of Washington – Seattle
Leeman, Madison	Senator Hawkins	University of Washington – Seattle
Lindstrom, Louis	Senator Liias	Washington State University - Pullman
Linse, Connor	Senator Hobbs	University of Washington – Seattle
McCreary, Sarah	Senator Becker	University of Washington – Seattle
Moschel, Sam	Senator Sheldon	Saint Martin's University
Nath, Esha	Senator Hasegawa	Western Washington University
Neff Warner, Maxwell	Senator Carlyle	Seattle Pacific University
Pham, David	Senator Saldaña	University of Washington – Seattle
Rockey, Morgan	Senator Billig	University of Washington – Seattle
Rubio, Karla	Republican Caucus	Walla Walla University
Sammo, Maliha	Senator Dhingra	University of Washington – Seattle
Schatz, Draven	Senator Fortunato	Washington State University - Pullman

<i>Name</i>	<i>Senator / Office</i>	<i>University</i>
Schwanitz, Elijah	Senator Bailey	University of Puget Sound
Seddon, Alexander	Senator Mullet	University of Washington – Tacoma
Singh-Kurtz, Japna	Senator Frockt	University of Washington – Seattle
Smith, Cassidy	Senator Wagoner	University of Washington – Seattle
Stiles, Ashley	Senator Nguyen	Pacific Lutheran University
Swanson, Alexandria	Senator Rivers	University of Washington – Tacoma
Taylor, Mackenzie	Senator Randall	University of Washington – Seattle
Thom, Jessica	Senator Rolfes	Western Washington University
Trobough, Colin	Lieutenant Governor Habib	The Evergreen State College – Olympia
Vance, Ryan	Senator Zeiger	Washington State University - Pullman
Van Matre, Inna	Senator Wilson, L.	Washington State University - Vancouver
Vogelgesang, Andrew	Senator Braun	University of Washington – Tacoma
Webb, Eva	Senator Conway	The Evergreen State College – Olympia
Wiedmann, Shelby	Senator Kuderer	University of Washington – Tacoma
Williams II, Nathaniel	Senator Darneille	Western Washington University
Yodkerepauprai, K'gnausa	Senator McCoy	The Evergreen State College – Olympia

The Senate Page Program allows young students throughout Washington State the opportunity each year to take part in the legislative process and observe the Legislature and other branches of state government during the legislative session. The students also participate in the Page School learning about the legislative process, listening to guest speakers and developing their own legislation. The Program had 280 participants during the 2019 Regular Session.

Margot Villarreal, Page Supervisor
Mia Davidson, Asst. Page Supervisor
Elizabeth Lacey, Page Dispatcher

Leo O'Leary, Page School Teacher
Kean Joling, Assistant Page School Teacher

Page	Senate Sponsor	Week of	Page	Senate Sponsor	Week of
Abdi, Faiza	Senator Keiser	April 21	Carsten, Davin	Senator Rivers	March 31
Abdi, Fatma	Senator Keiser	April 21	Cegielski, Daniel	Senator Fortunato	April 14
Acuna, Karime	Secretary of the Senate	January 13	Cegielski, Matthew	Senator Fortunato	April 14
Acuna, Devante	Senator Wagoner	March 24	Cename, Eleanor	Senator Frockt	February 17
Alexander, William	Senator Palumbo	March 24	Charbonneau, Saraiah	Senator Padden	January 20
Alexander, Matthew	Senator Wilson, L.	April 21	Chen, Rhemmy	Senator O'Ban	March 17
Ali, Hanaan	Senator Hasegawa	February 24	Christensen, Katie	Senator Padden	March 3
Althoff, Brianna	Senator McCoy	March 3	Chunphakvenn-Pinkney, Teja	Lt. Governor	February 17
Alvarez, Jacqueline	Senator Hawkins	February 19	Claassen, Eric	Senator Becker	April 7
Apergis, Nejme	Senator Darneille	April 21	Clouse, Chloe	Senator Conway	April 7
Ariz, Lauren	Senator Lovelett	March 31	Coleman, Gabrielle	Senator Randall	March 31
Arredondo-Villarreal, Syrinna	Senator Wilson, L.	April 21	Collier, Cheyenne	Senator Fortunato	March 17
Avendano, Carla	Senate Democratic Caucus	April 21	Colon-Galvez, Ricardo	Senator McCoy	January 27
Avery, Alexis	Senator Wilson, L.	March 31	Cory, Arianna	Senator Carlyle	February 24
Baldwin, Sara	Senator Wilson, L.	February 24	Cox, Colin	Senator Randall	March 24
Barajas-Zamora, Carlos	Senator Hobbs	February 17	Croci, John	Senator Walsh	April 21
Bargeron, Walter	Senator Carlyle	March 17	Cunningham, Gabrielle	Senator Holy	March 10
Beck, Emmalee	Senator Padden	January 20	Cylwik, Alison	Senator Schoesler	April 21
Berkovitz-Rave, Nativ	Senator Frockt	April 7	Cylwik, Jenny	Senator Schoesler	April 21
Black, Samantha	Senator Saldaña	March 17	Daley, Kobe	Senator Hunt	March 17
Bowerman, Abigail	Senator Zeiger	January 13	Danigren, Lauren	Senator O'Ban	February 24
Bravo, Luis	Senator Nguyen	February 17	Dashe, Juliette	Senator Rolfes	March 24
Bright, Jacob	Senator Kuderer	April 7	Davis, Allie	Senator Short	February 17
Brokaw, Benjamin	Senator Dhingra	February 24	Dermody, Delaney	Senator Frockt	March 3
Brooks, Adam	Senate Republican Caucus	March 3	DeVaney, Grace	Senator Wagoner	April 14
Bryan, Grace	Senator Walsh	February 12	Doody, Nina	Senator Liias	February 3
Buskirk, Elizabeth	Senator Rolfes	February 3	Duerr, Ende	Senator Palumbo	April 7
Cabera, Malachi	Senator Zeiger	April 14	Duncan, Nicholas	Senator Hunt	February 13
Cannon, Grace	Senator Bailey	April 14	Dunn, Kaya	Senator Cleveland	March 24
Cantillana, Isaiah	Senator Holy	March 17	Enertson, Matthew	Senator Ericksen	April 7
Carli, Lucia	Senator Frockt	March 24	Engel, Mallory	Senator Brown	April 14
Carroll-Madden, Jonathan	Senator Carlyle	March 3	Ericson, Ryan	Senator Hunt	March 31
			Felipe Juan, Bruno	Senator Schoesler	April 21
			Felling, Cody	Senator Kuderer	February 24

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	Secretary of the Senate	March 31	Johnson, Kai	Senator Becker	February 24
Fisher, Andrew	Senator Wellman	March 3	Johnson, Kaitlyn	Senator Hobbs	March 31
Fisher, Ian	Senator Randall	April 7	Johnson, Connor	Senate Democratic Caucus	April 7
Fisher, Julia	Senator Randall	April 7	Jones Kulow, Isaiah	Senator Keiser	March 10
Flournoy, Jackie	Senator Becker	March 24	Katz, Jamie	Senator Holy	March 17
Ford, Megan	Senator Dhingra	March 10	Keating, Stella	Senator Liias	March 17
Fowler, Valerie	Senator Zeiger	April 7	Keesee, Blaine	Senator Becker	April 21
Fuller, Grace	Senator Hunt	March 10	Kerr, Logan	Senator Rolfes	March 24
Funches, Mary Boyde	Senator Wilson, L.	April 7	Kersavage, Kaeden	Senator Takko	February 24
Ganesh, Rohan	Senator Mullet	February 17	Kimel, Ava	Senator King	February 24
Garcia, Joycelyn	Senator Warnick	March 24	King, Richard	Senator O'Ban	February 24
Garcia , Estevan	Senator Wilson, C.	March 31	Kite III, William	Senator Rivers	March 24
Gauvin, Jack	Senator Padden	January 27	Kittilstved, Aidan	Senator Holy	March 10
Correll, Emma	Secretary of the Senate	March 31	Knopp, Alexis	Senator Darneille	March 10
Gorski, Zane	Senator Zeiger	April 7	Kohler, Tayah	Senator Short	February 17
Haggarty, Joseph	Senator Holy	March 17	Kolavennu, Nicole	Senator Wellman	February 3
Hall, Nalani	Senator Das	April 21	Korch, Annalise	Senator Frockt	March 24
Hamilton, Gabriel	Senator Keiser	January 20	Koshar, Theodore	Senator Wellman	January 27
Haris, Aleena	Senator Mullet	March 31	Kramer, Xander	Senator Pedersen	February 12
Harris, Shelby	Senator O'Ban	February 17	Kuh, Riley	Senator Saldaña	February 12
Harris, Lilianne	Senator Mullet	April 7	Kuo, Joshua	Senator Takko	March 3
Heaton, Kylie	Senate Republican Caucus	March 17	Kush, Jason	Senate Republican Caucus	March 3
Hepp, AllyssaJo	Senator Sheldon	April 7	Kuykendall, Jesse	Senator Braun	January 13
Hernandez, Miguel	Senator Liias	March 17	Kuzmenko, Kateryna	Senator Warnick	February 17
Herrejon, Melany	Senator Palumbo	March 31	LaCross-Lambert, Jesse	Senator Randall	March 17
Hewitt, Carolyn	Senator Takko	March 17	Lang, Evan	Senator Hunt	January 27
Hiller, MacQuaid	Senator Bailey	April 21	Lascar, Alexander	Senator King	March 10
Hisaw, Olivia	Senator Braun	March 3	Lawrence, Max	Senator Short	March 17
Hobbs, Winston	Senator Hobbs	March 31	Lee, Samuel	Senator Wilson, C.	February 12
Hodneland, Blake	Senator Palumbo	January 27	Lee, Diane	Senator Wellman	April 7
Hoebing, David	Senator Brown	April 14	Leeper, Samuel	Senator Schoesler	March 31
Hoffman, Annabella	Senator Becker	February 17	Lempriere, Thomas	Senator Carlyle	January 20
Hollister, Luke	Senator Ericksen	April 7	Lennemann, Adelaide	Senator Holy	February 24
Hopkins, Lilly	Senator Walsh	April 14	Leu, Alex	Senator Dhingra	April 7
Houser, Sarah	Senator Rolfes	February 12	LeVine, Sidney	Senator Carlyle	March 3
Hubbard, Meryl	Senator Rolfes	March 24	Lewallen, Jackson	Senator Rivers	April 14
Hug, Priscilla	Senator O'Ban	March 24	Li, Abigail	Senator Kuderer	February 3
Iyer, Bhargav	Senator Zeiger	March 17	Lindsey-Almadani, Farah	Senator Carlyle	February 17
Jacks, Bethany	Senator Schoesler	April 21	Locke, Steven	Senator Liias	March 24
Jensenlopez, Alexander	Senator Rolfes	January 20	Longcore, Claire	Senator Dhingra	February 17
Jimenez, Michelle	Lt. Governor	February 17			

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Loos, Andrea	Senator Short	February 3	Parsons, Aidan	Senator Saldaña	February 24
Ma, Marissa	Senator Warnick	March 31	Peach, Zachary	Senator Sheldon	April 14
Mahil, Angad	Senator Liias	March 24	Peck, Emmie	Senator O'Ban	March 3
Mahlum, Phineas	Senator Hawkins	April 21	Petersen, Brandon	Senator Warnick	April 21
Marden, Trinity	Senator Randall	April 14	Peterson, James	Senator Wellman	March 3
Marsh, Elizabeth	Senator Wagoner	April 21	Phan, Phuong	Senator Nguyen	March 10
Martin, Cristina	Lt. Governor	February 17	Placzek, Anna	Senator Bailey	March 31
Martin, Quinn	Senator Sheldon	February 24	Placzek, Isabelle	Senator Bailey	March 31
Martinez, Edgar	Senator McCoy	February 17	Plate, Sarah	Senator Hobbs	February 17
Marty, Nicholas	Senator Braun	March 31	Pop, Martin	Senator Pedersen	April 14
Matagi, Aram	Senator Braun	February 12	Pretrusiewicz, Jack	Senator King	March 31
Mather, Rowan	Senator Saldaña	March 10	Pruett, James	Senator King	February 3
Matthews, Logan	Senator Sheldon	March 11	Prusch, Isabella	Senator Palumbo	March 3
McAllister, Gavin	Senator Padden	March 17	Raihl, Sarah	Senator Honeyford	March 3
McCabe, Ryan	Senator Takko	March 3	Ray, Jamie	Senator Walsh	March 17
McCale, Hogan	Senate Democratic Caucus	April 7	Renick, Michaela	Senator Hunt	March 3
McCullough, Sean	Senator Wilson, L.	April 21	Richards, Grace	Senator Warnick	April 14
McDougall, Sophia	Senator King	March 10	Robinson, Anisa	Senator Saldaña	February 17
McGrady, Kelan	Senator Pedersen	February 17	Robinson, Julia	Senator Fortunato	March 17
McKee, Zachary	Senator Mullet	March 3	Rodriguez-Flores, Esmeralda	Senator Takko	March 10
McKee, Cheyenne	Senator Fortunato	April 14	Rolf, Freya	Senator Hawkins	March 17
McKnight, Ian	Senator Kuderer	February 17	Royce, Dravus	Senator Wagoner	March 24
McLaughlin, Hannah	Senator Das	April 7	Russell, Kiarah	Senate Republican Caucus	March 3
McQuade, Natalie	Senator Brown	January 20	Sahak, Howsai	Senator Das	April 7
Mena, Abbygail	Senator Das	March 31	Salas, Criselia	Senator Takko	March 10
Meyer, Daalny	Senator Nguyen	February 17	Scheer, William	Senator Wagoner	April 7
Miller, Avery	Senator Hawkins	April 14	Seibel, Asher	Senator Carlyle	March 17
Miovic, Cecile	Senator Billig	March 17	Shen, Zisu	Senator Wellman	January 13
Miranda, Isabelle	Senator Padden	April 7	Sherwood, Meredith	Senator O'Ban	March 31
Mooney, Cheyne	Senator Bailey	April 21	Shrum, Hannah	Senator Sheldon	March 24
Morgan, Caleb	Senator Fortunato	April 14	Sibthorp, Taylor	Senator Palumbo	January 13
Mungra, Akash	Senator Wellman	February 12	Silvers, Amber	Senator Rolfes	February 17
Neary, Daniel	Lt. Governor	February 17	Sistla, Swadesh	Senator Wellman	April 7
Nguyen, Lauryn	Senator Nguyen	January 20	Smith, Jaxon	Senator Honeyford	March 3
Nieves-Noel, Kiran	Senator O'Ban	April 14	Smith, Lauren	Senator Darneille	March 17
O'Dell, Maya	Senator Braun	January 13	Snowden, Tessa	Senator Nguyen	March 10
Olney, Carter	Senator Zeiger	February 24	Somma, Aaron	Senator Ericksen	March 24
Olson, Eden	Senator Darneille	April 21	Somma, Avery	Senator Ericksen	March 31
Owens, Peter	Senator Hunt	January 27	Sonnabend, William	Senator Holy	March 24
Padilla-Monterrey, Aaron	Lt. Governor	February 17	Spence, Isabelle	Senator Nguyen	February 17
Palafox, Gonzalo	Senator Honeyford	January 13	Stark, Haley	Senator Sheldon	February 24

Page	Senate Sponsor	Week of	Page	Senate Sponsor	Week of
Steadman, Donovan	Senator Hunt	February 12	Wilkinson	Senator Rolfes	March 3
Stratton, Rubee	Secretary of the Senate	January 13	Bennett, Nobelle	Senator Mullet	January 27
Swanson, Brooke	Senator Nguyen	February 24	Williams, Saige	Senator Palumbo	February 24
Swenson, Megan	Senator Walsh	March 31	Williams, Abbey	Senator Das	February 24
Sylves, Cassidy	Senate Democratic Caucus	March 24	Williams, Paige	Senator Schoesler	April 21
Tabor, Haley	Senator Hobbs	January 13	Wilson, Caitlyn	Senator Darneille	March 31
Thien, Ryan	Senator Brown	March 31	Wyer, Sarah	Senator Liias	March 31
Thompson, Justice	Senator Sheldon	March 3	Yi, Inkyu	Senator Padden	March 10
Thompson, Nicholas	Senator Conway	April 21	Yoon, Juho	Senator Hobbs	March 31
Thuau, Emma	Senator Kuderer	January 20	Zeravikova, Denisa	Senator Honeyford	February 17
Tibbits, Sarah	Senator Fortunato	April 7	Zhu, Mindy	Senator Kuderer	January 27
Tran, Joshua	Senator Liias	February 24			
Trivedi, Niyati	Senator Kuderer	March 24			
Trotter, Braxton	Senator Braun	February 24			
Trowbridge, Asa	Senator Hawkins	March 10			
Turner, Ellie	Senator Van De Wege	February 24			
Twitty, Sam	Senator Conway	April 21			
Van De Wege, Jackson	Senator Van De Wege	March 3			
Van Loen, Leah	Senator Carlyle	January 27			
Vance, Alexander	Senator Becker	March 10			
Vann, Eleanor	Senator Nguyen	February 24			
VerHoeven, Colby	Senator Hobbs	April 14			
Vold, Tyler	Senator Liias	February 17			
Vudathu, Kaushik	Senator Hasegawa	February 12			
Walle, Jennifer	Senator Schoesler	April 14			
Ward, Christina	Senator Schoesler	January 20			
Warner, Alexis	Senator Wilson, C.	March 31			
Warthen, Claire	Senator Warnick	April 14			
Waszak, Owain	Senator Salomon	April 7			
Waterval, Noah	Senator Mullet	February 12			
Welch, Ryan	Senator Cleveland	March 31			
Werner, Anneliese	Senator Wagoner	April 7			
West, Serenity	Senator Bailey	April 21			
Weymiller, Elena	Senator Randall	February 24			
White, Kyle	Senator Padden	January 13			
White, McKenna	Senator Hawkins	February 24			
Wickberg, Anna	Senate Democratic Caucus	March 17			
Wildfang, Alex	Senator Becker	February 17			
Wilén, Elijah	Senator Becker	January 27			
Wiley, Olivia	Senator Braun	January 13			

MESSAGE FROM THE GOVERNOR

April 29, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 29, 2019, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5010

Relating to protected lands not being assessed local fire district levies.

Substitute Senate Bill No. 5028

Relating to declaring September the month of the kindergartner.

Substitute Senate Bill No. 5063

Relating to prepaid postage for all election ballots.

Senate Bill No. 5088

Relating to the awarding of credits for computer science.

Engrossed Substitute Senate Bill No. 5127

Relating to increasing the traumatic brain injury fee.

Substitute Senate Bill No. 5166

Relating to providing religious accommodations for students at postsecondary educational institutions during exams or other requirements to successfully complete a program.

Engrossed Senate Bill No. 5210

Relating to notification to purchasers of hearing instruments about uses and benefits of telecoil and bluetooth technology.

Substitute Senate Bill No. 5212

Relating to adoption of dogs and cats used for science or research purposes.

Substitute Senate Bill No. 5218

Relating to mobile food units.

Substitute Senate Bill No. 5278

Relating to reporting suspected fraud and theft of payment cards.

Engrossed Substitute Senate Bill No. 5288

Relating to persistent offenders.

Senate Bill No. 5337

Relating to expanding a sales and use tax exemption for personal property sold between political subdivisions to include sales or uses of personal property as a result of a merger or sales or uses of personal property made under contractual consolidations in which the taxpayer that originally paid the sales or use tax continues to benefit from the personal property.

Senate Bill No. 5350

Relating to an optional life annuity benefit for members of the public employees' retirement system, school employees' retirement system, and public safety employees' retirement system.

Substitute Senate Bill No. 5474

Relating to permitting self-insurers to send duplicates of certain orders made by the department of labor and industries.

Substitute Senate Bill No. 5492

Relating to sentencing of motor vehicle-related felonies.

Substitute Senate Bill No. 5502

Relating to alignment of statutory deadlines to the Constitution.

Senate Bill No. 5566

Relating to setting fees for administration of the prevailing wage program.

Substitute Senate Bill No. 5689

Relating to preventing harassment, intimidation, bullying, and discrimination in public schools.

Substitute Senate Bill No. 5763

Relating to collector truck operators.

Substitute Senate Bill No. 5851

Relating to enhancing educational opportunities for vulnerable children and youth using funding distributed from the Puget Sound taxpayer accountability account.

Engrossed Substitute Senate Bill No. 5874

Relating to direct funding for rural satellite skill centers.

Sincerely,

/s/

Drew Shirk

Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

April 30, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 30, 2019, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5017

Relating to the uniform unsworn declarations act.

Second Substitute Senate Bill No. 5021

Relating to granting interest arbitration to certain department of corrections employees.

Senate Bill No. 5022

Relating to granting binding interest arbitration rights to certain higher education uniformed personnel.

Engrossed Second Substitute Senate Bill No. 5223

Relating to net metering.

Senate Bill No. 5233

Relating to creating an alternative process for sick leave benefits for workers represented by collective bargaining agreements.

Senate Bill No. 5300

Relating to providing coroners with additional subpoena duces tecum authority.

Engrossed Senate Bill No. 5334

Relating to the Washington uniform common interest ownership act.

Senate Bill No. 6025

Relating to bump-fire stock buy-back program records

Sincerely,

/s/

Drew Shirk

Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 11, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 7, 2019, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5023

Relating to ethnic studies materials and resources for public school students.

Engrossed Substitute Senate Bill No. 5027

Relating to extreme risk protection orders.

Engrossed Substitute Senate Bill No. 5035

Relating to enhancing the prevailing wage laws to ensure contractor and owner accountability and worker protection.

Engrossed Second Substitute Senate Bill No. 5116

Relating to supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future.

Substitute Senate Bill No. 5181

Relating to certain procedures upon initial detention under the involuntary treatment act.

Senate Bill No. 5199

Relating to granting certain correctional employees binding interest arbitration.

Senate Bill No. 5205

Relating to provisions governing firearms possession by persons who have been found incompetent to stand trial and who have a history of one or more violent acts.

Engrossed Substitute Senate Bill No. 5272

Relating to increasing the maximum tax rate for the voter-approved local sales and use tax for emergency communication systems and facilities.

Senate Bill No. 5415

Relating to creating a forum and a funding mechanism to improve the health of American Indians and Alaska Natives in the state.

Senate Bill No. 5508

Relating to background checks for concealed pistol licenses.

Senate Bill No. 5865

Relating to declaring October as Filipino American history month.

Sincerely,
/s/
Drew Shirk
Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 11, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 8, 2019, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5135

Relating to preventing toxic pollution that affects public health or the environment.

Senate Bill No. 5145

Relating to the use of hydraulic fracturing in the exploration for and production of oil and natural gas.

Senate Bill No. 5179

Relating to county electrical traffic control signals, illumination equipment, and other electrical equipment conveying an electrical current.

Engrossed Senate Bill No. 5274 (Partial Veto)

Relating to dental coverage for Pacific islanders residing in Washington.

Engrossed Second Substitute Senate Bill No. 5290

Relating to eliminating the use of the valid court order exception to place youth in detention for noncriminal behavior.

Senate Bill No. 5360 (Partial Veto)

Relating to plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system.

Substitute Senate Bill No. 5380

Relating to opioid use disorder treatment, prevention, and related services.

Substitute Senate Bill No. 5405

Relating to nondiscrimination in access to organ transplants.

Engrossed Substitute Senate Bill No. 5410

Relating to a systemwide credit policy regarding advanced placement, international baccalaureate, and Cambridge international exams.

Substitute Senate Bill No. 5425

Relating to maternal mortality reviews.

Second Substitute Senate Bill No. 5577

Relating to the protection of southern resident orca whales from vessels.

Substitute Senate Bill No. 5734

Relating to the hospital safety net assessment.

Engrossed Substitute Senate Bill No. 5741

Relating to making changes to support future operations of the state all payer claims database by transferring the responsibility to the health care authority, partnering with a lead organization with broad data experience, including with self-insured employers, and other changes to improve and ensure successful and sustainable database operations for access to and use of the data to improve health care, providing consumers useful and consistent quality and cost measures, and assess total.

Substitute Senate Bill No. 5894

Relating to clarifying that the firefighters' pension levy may continue to be levied to fund benefits under the law enforcement officers' and firefighters' retirement system.

Senate Bill No. 5918

Relating to providing whale watching guidelines in the boating safety education program.

Engrossed Senate Bill No. 5937

Relating to the color of stop lamps on vehicles.

Sincerely,
/s/
Drew Shirk
Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 11, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 9, 2019, Governor Inslee approved the following Senate Bills entitled:

Senate Bill No. 5054 (Partial Veto)

Relating to increasing the behavioral health workforce by establishing a reciprocity program to increase the portability of behavioral health licenses and certifications.

Engrossed Substitute Senate Bill No. 5383

Relating to tiny houses.

Engrossed Second Substitute Senate Bill No. 5432

Relating to fully implementing behavioral health integration for January 1, 2020, by removing behavioral health organizations from law.

Engrossed Second Substitute Senate Bill No. 5444

Relating to providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders within the framework of the forensic mental health care system consistent with the requirements agreed to in the Trueblood settlement agreement.

Substitute Senate Bill No. 5550

Relating to implementing the recommendations of the pesticide application safety work group.

Substitute Senate Bill No. 5552

Relating to the protection of all pollinators, including honey bees.

Engrossed Substitute Senate Bill No. 5579

Relating to the volatility of crude oil received in the state by rail.

Substitute Senate Bill No. 5597

Relating to creating a work group on aerial herbicide applications in forestlands.

Engrossed Substitute Senate Bill No. 5600

Relating to residential tenant protections.

Substitute Senate Bill No. 5668

Relating to taxation of abandoned vehicles sold at auctions conducted by registered tow truck operators.

Engrossed Substitute Senate Bill No. 5688

Relating to athletic trainers.

Substitute Senate Bill No. 5714

Relating to the reliability of evidence in criminal proceedings.

Second Substitute Senate Bill No. 5718

Relating to establishing the child welfare housing assistance program that provides housing assistance to parents reunifying with a child and parents at risk of having a child removed.

Second Substitute Senate Bill No. 5800

Relating to the helping homeless college students act.

Second Substitute Senate Bill No. 5846

Relating to the integration of international medical graduates into Washington's health care delivery system.

Second Substitute Senate Bill No. 5903

Relating to implementing policies related to children's mental health as reviewed and recommended by the children's mental health work group.

Sincerely,

/s/

Drew Shirk

Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 14, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 13, 2019, Governor Inslee approved the following Senate Bills entitled:

Substitute Senate Bill No. 5025

Relating to sales and use and excise tax exemptions for self-help housing development.

Second Substitute Senate Bill No. 5082

Relating to promoting and expanding social emotional learning.

Engrossed Second Substitute Senate Bill No. 5091

Relating to state and federal special education funding.

Substitute Senate Bill No. 5106

Relating to the creation of a work group to study and make recommendations on natural disaster mitigation and resiliency activities.

Senate Bill No. 5107

Relating to trust institutions.

Engrossed Substitute Senate Bill No. 5183

Relating to relocation assistance for tenants of closed or converted mobile home parks.

Senate Bill No. 5227

Relating to deadlines for receipt of voter registrations by election officials.

Engrossed Substitute Senate Bill No. 5258

Relating to preventing the sexual harassment and sexual assault of certain isolated workers.

Engrossed Substitute Senate Bill No. 5298

Relating to labeling of marijuana products.

Engrossed Substitute Senate Bill No. 5318

Relating to reforming the compliance and enforcement provisions for marijuana licensees.

Engrossed Second Substitute Senate Bill No. 5356

Relating to establishing the Washington state LGBTQ commission.

Substitute Senate Bill No. 5370

Relating to creating a state commercial aviation coordinating commission.

Second Substitute Senate Bill No. 5433

Relating to providing postsecondary education opportunities to enhance public safety.

Second Substitute Senate Bill No. 5511

Relating to expanding affordable, resilient broadband service to enable economic development, public safety, health care, and education in Washington's communities.

Engrossed Substitute Senate Bill No. 5526

Relating to increasing the availability of quality, affordable health coverage in the individual market.

Senate Bill No. 5551

Relating to courthouse facility dog assistance for testifying witnesses.

Second Substitute Senate Bill No. 5602

Relating to eliminating barriers to reproductive health care for all.

Senate Bill No. 5605

Relating to misdemeanor marijuana offense convictions.

Substitute Senate Bill No. 5652

Relating to personal belongings disposal.

Substitute Senate Bill No. 5670

Relating to expanding the allowable powers of fire protection districts.

Substitute Senate Bill No. 5723

Relating to increasing safety on roadways for pedestrians, bicyclists, and other roadway users.

Substitute Senate Bill No. 5748

Relating to creating an account to support necessary infrastructure nearby military installations.

Senate Bill No. 5817

Relating to senior students in accredited schools of chiropractic.

Sincerely,

/s/

Drew Shirk

Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR

May 21, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 21, 2019, Governor Inslee approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5001

Relating to human remains.

Substitute Senate Bill No. 5012

Relating to governmental continuity during emergency periods.

Substitute Senate Bill No. 5089

Relating to increasing early learning access for children ages three and older.

Senate Bill No. 5132

Relating to noncollection of taxes by county treasurers.

Substitute Senate Bill No. 5151

Relating to requiring the growth management hearings board to topically index the rulings, decisions, and orders it publishes.

Engrossed Substitute Senate Bill No. 5160

Relating to property tax exemptions for service-connected disabled veterans and senior citizens.

Senate Bill No. 5260

Relating to powers to waive statutory obligations or limitations during a state of emergency in order to cope with the emergency.

Substitute Senate Bill No. 5266

Relating to ensuring timely elections for governing body members in jurisdictions modifying districting plans under the Washington voting rights act.

Engrossed Second Substitute Senate Bill No. 5284

Relating to smoke detection devices.

Second Substitute Senate Bill No. 5287

Relating to ensuring accurate redistricting by counting individuals in state custody as residents of their last known place of residence.

Engrossed Substitute Senate Bill No. 5313

Relating to school levies.

Substitute Senate Bill No. 5324

Relating to support for students experiencing homelessness.

Engrossed Substitute Senate Bill No. 5330

Relating to analyzing state regulatory impact on small forestland owners.

Senate Bill No. 5359

Relating to funding investigations to protect individuals with disabilities in the supported living program.

Substitute Senate Bill No. 5362

Relating to the creation of a deferred finding program for nonpayment of license fees and taxes for vehicle, vessel, and aircraft registrations.

Engrossed Second Substitute Senate Bill No. 5397

Relating to the responsible management of plastic packaging.

Engrossed Substitute Senate Bill No. 5418

Relating to local government procurement modernization and efficiency.

Engrossed Senate Bill No. 5429

Relating to including referred and diverted youth in establishing community juvenile accountability program guidelines.

Second Substitute Senate Bill No. 5437

Relating to expanding eligibility to the early childhood education and assistance program.

Engrossed Second Substitute Senate Bill No. 5438

Relating to establishing the office of agricultural and seasonal workforce services within the employment security department.

Engrossed Senate Bill No. 5453

Relating to the administration of irrigation districts.

Engrossed Second Substitute Senate Bill No. 5497

Relating to establishing a statewide policy supporting Washington state's economy and immigrants' role in the workplace.

Senate Bill No. 5505

Relating to the use of local stormwater charges paid by the department of transportation.

Senate Bill No. 5506

Relating to parking at rest areas.

Substitute Senate Bill No. 5560

Relating to mediation of disputes between elected officials.

Senate Bill No. 5596

Relating to extending the expiration date on the health sciences and services authority sales and use tax authorization.

Second Substitute Senate Bill No. 5604

Relating to the uniform guardianship, conservatorship, and other protective arrangements act.

Senate Bill No. 5651

Relating to establishing a kinship care legal aid coordinator.

Second Substitute Senate Bill No. 5672

Relating to adult family home specialty services.

Substitute Senate Bill No. 5695

Relating to high occupancy vehicle lane penalties.

Substitute Senate Bill No. 5815

Relating to individuals placed in minimum security status by the department of children, youth, and families.

Engrossed Substitute Senate Bill No. 5825

Relating to tolling the Interstate 405, state route number 167, and state route number 509.

Substitute Senate Bill No. 5861

Relating to extending respectful workplace code of conduct provisions to all members of the legislative community.

Senate Bill No. 5881

Relating to the installation of safety glazing or film suncreening materials.

Substitute Senate Bill No. 5883

Relating to authorizing vehicles or combinations of vehicles carrying farm products to exceed total gross weight limits.

Substitute Senate Bill No. 5955

Relating to making necessary changes allowing the department of children, youth, and families to effectively manage a statewide system of care for children, youth, and families.

Engrossed Substitute Senate Bill No. 5993

Relating to reforming the financial structure of the model toxics control program.

Engrossed Substitute Senate Bill No. 5997

Relating to eliminating or narrowing certain tax preferences to increase state revenue for essential public services.

Engrossed Substitute Senate Bill No. 5998

Relating to establishing a graduated real estate excise tax.

Engrossed Substitute Senate Bill No. 6004

Relating to the taxation of travel agents and tour operators.

Engrossed Senate Bill No. 6016

Relating to the taxation of international investment management companies.

Sincerely,
/s/
Drew Shirk
Executive Director of Legislative Affairs

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 5503

April 17, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Senate Bill No. 5503 entitled:

"AN ACT Relating to state board of health rules regarding on-site sewage systems."

I am vetoing Section 3 of this bill. This section is unnecessary and precludes local health jurisdiction staff from conditioning an on-site septic permit once an easement for the system has been granted.

The granting of an easement should not eliminate the ability of an inspector to correct problems of a system that they are inspecting. The new section of this bill (Section 2) significantly increases protections for homeowner and provides assurance that on-site inspections will be done properly and fairly.

For these reasons I have vetoed Section 3 of Senate Bill No. 5503.

With the exception of Section 3, Senate Bill No. 5503 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5710

April 17, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Substitute Senate Bill No. 5710 entitled:

"AN ACT Relating to the Cooper Jones active transportation safety council."

I am vetoing Section 3, the emergency clause, because it is not necessary. The new council created by the bill has no plans to convene before August 2019. Vetoing Section 3 of the bill in no way diminishes the bill's overall traffic safety goals.

For these reasons I have vetoed Section 3 of Substitute Senate Bill No. 5710.

With the exception of Section 3, Substitute Senate Bill No. 5710 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 5022

April 30, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Senate Bill No. 5022 entitled:

"AN ACT Relating to granting binding interest arbitration rights to certain higher education uniformed personnel."

This bill establishes interest arbitration for uniformed personnel, which is defined as sworn police officers employed as a member of a police force established by state universities, regional universities, or the Evergreen State College. Section 2 amends current law and exempts such arbitration awards from submission to the Office of Financial Management to be certified as financially feasible. This could result in requiring the governor to include funds necessary to implement the award in his/her budget regardless of whether it was financially feasible.

Although I support granting interest arbitration to uniformed personnel, it is important to ensure that any award from interest arbitration must be submitted for certification of financial feasibility before being included in the governor's budget proposal. This check and balance on arbitration awards protects the governor's discretion in developing future budget proposals.

For these reasons I have vetoed Section 2 of Senate Bill No. 5022.

With the exception of Section 2, Senate Bill No. 5022 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 5360

May 8, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 5, Senate Bill No. 5360 entitled:

"AN ACT Relating to plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system."

Section 5 of this bill declares an emergency and makes the bill effective immediately. However, the bill as it passed the legislature makes the provisions of the bill effective a year later than the date in the original bill. This change means that the emergency clause is no longer needed.

For these reasons I have vetoed Section 5 of Senate Bill No. 5360.

With the exception of Section 5, Senate Bill No. 5360 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SENATE BILL NO. 5274

May 8, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6, Engrossed Senate Bill No. 5274 entitled:

"AN ACT Relating to dental coverage for Pacific islanders residing in Washington."

I am vetoing section 6 because it is an unnecessary emergency clause. This veto will not disturb the substantive provisions of this bill, but will avoid confusion about the start date of the dental program. The dental program is funded to begin January 1, 2021, and outreach and engagement communications will begin 90 days from today under the normal enactment period of the bill.

For these reasons I have vetoed Section 6 of Engrossed Senate Bill No. 5274.

With the exception of Section 6, Engrossed Senate Bill No. 5274 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 5054

May 9, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 4, 5, and 6, Senate Bill No. 5054 entitled:

"AN ACT Relating to increasing the behavioral health workforce by establishing a reciprocity program to increase the portability of behavioral health licenses and certifications."

Senate Bill 5054 will help out-of-state applicants to more easily and quickly become integrated into Washington State's behavioral health workforce. Sections 4, 5 and 6 direct the Department of Health to conduct a study to explore options for adoption of an interstate compact or compacts supporting license portability for certain professionals. I agree with the intended purpose of the bill; however, the final budget did not provide funding for the Department to perform this study and the cost of this work cannot be absorbed.

For these reasons I have vetoed Sections 4, 5, and 6 of Senate Bill No. 5054.

With the exception of Sections 4, 5, and 6, Senate Bill No. 5054 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
VETO ON ENGROSSED SENATE BILL NO. 5573

May 8, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Senate Bill No. 5573 entitled:

"AN ACT Relating to domestic violence and traumatic brain injury."

Sections 1 and 2 of ESB 5573 are duplicative of sections in SHB 1532. Since SHB 1532 has already been signed into law, there is no need to duplicate those provisions by signing this bill as well. In addition, Section 2 of both ESB 5573 and SHB 1532 will become ineffective as this same section of law is amended in SHB 1225, which amends the statute to move the relevant language to a new statute in Chapter 10.99 RCW. For these reasons, I am vetoing ESB 5573.

The Criminal Justice Training Commission will incorporate the training required in Section 1 of the bill into the existing domestic violence training conducted at the Basic Law Enforcement Academy Training. Additionally, the Washington Association of Sheriffs and Police Chiefs will work with the sponsors of both ESB 5573 and SHB 1532 to draft a letter to their membership encouraging they provide the information suggested by the bill.

For these reasons I have vetoed Engrossed Senate Bill No. 5573 in its entirety.

Respectfully submitted,

/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 5418

May 21, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 15, Engrossed Substitute Senate Bill No. 5418 entitled:

"AN ACT Relating to local government procurement modernization and efficiency."

Engrossed Substitute Senate Bill 5418 will help improve procurement processes for local governments. Section 15 of the bill amends RCW 87.03.435 relating to irrigation districts. Section 2 of a different bill passed by the Legislature this year, Engrossed Senate Bill 5453, contains the same amendments as well as other changes. Therefore I am vetoing Section 15 of Engrossed Substitute Senate Bill 5418 to avoid these double amendments and any confusion at the Office of the Code Reviser.

I would also note that the Legislature did not provide funding for the Capital Projects Advisory Review Board to review the public works contracting processes for local governments, including the small works roster and limited public works processes as set forth in Section 16. I am directing my Office of Financial Management to work with the Department of Enterprise Services to identify resources so they can begin this important work. In addition, I will be asking the Legislature to include full funding of this study in the 2020 supplemental operating budget.

For these reasons I have vetoed Section 15 of Engrossed Substitute Senate Bill No. 5418.

With the exception of Section 15, Engrossed Substitute Senate Bill No. 5418 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL NO. 5287

May 21, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Second Substitute Senate Bill No. 5287 entitled:

"AN ACT Relating to ensuring accurate redistricting by counting individuals in state custody as residents of their last known place of residence."

Section 3 is an unnecessary emergency clause. Under the bill, the Department of Children, Youth, and Families; Department of Corrections; and Department of Social and Health Services must perform a residence determination process between April 1 and July 1 of each year ending in zero. Without the emergency clause, this bill will take effect under the standard enactment period, which is well before the first deadline of April 1, 2020. This veto will not disturb the substantive provisions of this bill and will provide the impacted agencies with adequate time to determine the last known place of residence for those persons who are in state custody.

For these reasons I have vetoed Section 3 of Second Substitute Senate Bill No. 5287.

With the exception Section 3, Second Substitute Senate Bill No. 5287 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL NO. 5672

May 21, 2019

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6, Second Substitute Senate Bill No. 5672 entitled:

"AN ACT Relating to adult family home specialty services."

Section 6 contains a null and void clause. The enacted budget references the bill number, but does not provide specific funding. Therefore, the bill might be void if this section is not vetoed. The Department of Social and Health Services agrees that this work is important, so it will begin this work without additional resources.

For these reasons I have vetoed Section 6 of Second Substitute Senate Bill No. 5672.

With the exception of Section 6, Second Substitute Senate Bill No. 5672 is approved.

Respectfully submitted,
/s/
Jay Inslee
Governor

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Fennerty, Jr., Frank E.	38			SGA 9000
Carson, Scott E.	38	135	345	SGA 9001
Cantrell, Laura F.	38			SGA 9002
Tortorelli, Joe M.	38	353		SGA 9003
Jensen, Elizabeth K.	38			SGA 9004
Cate, Sara	39			SGA 9005
Batayola, Teresita	39	297	603	SGA 9006
Chernin, Louise	39	297	603	SGA 9007
Flores, Martha V.	39	135	830	SGA 9008
Lopez, Robert J.	39			SGA 9009
Martin, Wayne J.	39	209		SGA 9010
Miller, Toraya	39	209	1462	SGA 9011
Stearns, Chris	39			SGA 9012
Hepfer, Russell	39			SGA 9013
Meyer, John M.	40	298		SGA 9014
Pearsall-Stipek, Cathy R.	40			SGA 9015
Thomas, Luke E.	40			SGA 9016
Erickson, Ronald P.	40	104	231	SGA 9017
Pedlow, John W.	40	298		SGA 9018
Serebrin, Hester	40	353	1312	SGA 9019
Karier, Thomas M.	40			SGA 9020
McCulloch, Julie	40	298		SGA 9021
Lachney, Bruce L.	40			SGA 9022
Batra, Shiv	41	354	1318	SGA 9023
Guenther, Judy	41			SGA 9024
Ferreira, Teri L.	41			SGA 9025
Jacobsen, Jane L.	41	260		SGA 9026
Withrow, Harold W.	41	209		SGA 9027
Soleimanpour, Sepi	41			SGA 9028
Entenman, Debra			572	SGA 9029
Entenman, Debra J.	41	298	570	SGA 9029
Mah, Doug	41	298		SGA 9030
Rushford, Jane E.	41	136		SGA 9031
Bladow, Layne	42			SGA 9032
Mitsunaga, Darrell S.	42	298		SGA 9033
Gamboa, Guadalupe	42	753		SGA 9034
West, Maureen P.	42	298		SGA 9035
Pellham, Clara R.	42	298	886	SGA 9036
Ronayne, Matthew P.	42			SGA 9037
Reich, Jay A.	42			SGA 9038
Whang, Frederick P.	42			SGA 9039
Lee, Karen T.	42			SGA 9040
Young, Deborah C.	43	354	1361	SGA 9041
Anderson, Philip	43			SGA 9042
Clark, Keri J.	43			SGA 9043
Chin, Lisa H.	43	165	1159	SGA 9044
Gordon, Bill	43	104	1173	SGA 9045
Lane, Jonathan M.	43	104		SGA 9046
Pollard, Royce E.	43			SGA 9047
Rasmussen, Timothy	43	185		SGA 9048
Blauvelt III, Arthur A.	43	299		SGA 9049
D'Ambrosio, Catherine P.	44	299	1573	SGA 9050
Deller, Michael, R.			441	SGA 9051
Deller, Michael R.	44	165		SGA 9051

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Palmer, Susan A.	44			SGA 9052
Pritchard, Faaluaina S.	44			SGA 9053
Skinner, Christon C.	44	165		SGA 9054
Skinner, Christon, C.				SGA 9054
Baldoz, Patrick	44	260	1988	SGA 9055
Davis, Jefferson S.	44	260		SGA 9056
Boschok, Jacelyn (Jackie) M.	44			SGA 9057
Lee, Karen T.	44			SGA 9058
Blocker, Christina	45	209		SGA 9059
Mansy, Heather L.	45	209		SGA 9060
Hauge, Russell D.	45	299		SGA 9061
Nellams, Robert L.	45	136		SGA 9062
Nellams, Robert, L.			2249	SGA 9062
Bernstein, Lois	45	260		SGA 9063
Glenn Sayan, Marilyn	45			SGA 9064
Sayan, Marilyn Glenn		136		SGA 9064
Macomber, Everett	45			SGA 9065
Norman, Guy R.	45			SGA 9066
Hauge, Russell D.	45			SGA 9067
Busto, Mark R.	46			SGA 9068
Gleasant, Phyllis L.	46	104	710	SGA 9069
Garrett, Ollie A.	46	136		SGA 9070
Holland Young, Nancy J.	46	136	1462	SGA 9071
Jacobs, Steve	46			SGA 9072
Golik, Tony F.	46	753		SGA 9073
Frost, Amy L.	46	783		SGA 9074
Vander Stoep, J. A.	46	117, 299		SGA 9075
Malloch, Steven	46	117, 299		SGA 9076
Marsh, Lisa	47	127	191	SGA 9077
Sieg, Michael	47			SGA 9078
Wolf, Katherine E.	47			SGA 9079
Thorstensen, Hoang-Uyen T.	47			SGA 9080
Diaz, Olgy S.	47			SGA 9081
Kenyon Jr., Kenneth W.	47			SGA 9082
Johnson, Dwayne G.	47	165	720	SGA 9083
Adelstein, Steven P.	47	165		SGA 9084
Dekay, Loretta S.	47	753		SGA 9085
Manning, Jay J.	48			SGA 9086
Rivard, Bethany S.	48	783		SGA 9087
Wilcox Jr., James T.	48			SGA 9088
Christiansen, Gregory A.	48	209		SGA 9089
Litt, Jerald (Jerry) R.	48	354	1375	SGA 9090
Captain, Roy	48	299		SGA 9091
Wildfong, Laura S.	48	209		SGA 9092
Breckel, Jeffrey	48	246		SGA 9093
Fenton, Michael J.	48	753		SGA 9094
Gordon, Kimberly N.	49	174		SGA 9095
Lemley, Phillip R.	49	754		SGA 9096
Sharratt, Gene C.	49	136		SGA 9097
Grace, Claire	49	165	2084	SGA 9098
Guenther, Judy	49			SGA 9099
Strong, Charlene D.	49	754		SGA 9100
Tunheim, Jon J.	49	221		SGA 9101
Bolerjack, Bob	49	165	316	SGA 9102
Dietzel, Greg	49	166	413	SGA 9103
McDaniel, Janet M.	50	299		SGA 9104
Jackson, Tamra L.	50	104		SGA 9105

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Maxwell, Michael S.	50	174		SGA 9106
Maxwell, Michael, S.				SGA 9106
Hartmann, Judith L.	50	166		SGA 9107
Hartmann, Judith, L.			471	SGA 9107
Jackson, Douglass L.	50	299		SGA 9108
Jackson, Douglass, L.			2289	SGA 9108
Ryan, Robert M.	50	166		SGA 9109
Wood, Doris	50	166	325	SGA 9110
Redman, Heather B.	50	300	1200	SGA 9111
Unti, Brian K.	50	166	1433	SGA 9112
Stredwick, Thomas R.	51	136		SGA 9113
Jackson, Kedrich	51	105		SGA 9114
Jones, Denise L.	51	166	418	SGA 9115
McQuary, Donald R.	51	105		SGA 9116
Navas, Sharonne A.	51			SGA 9117
Hernandez, Sergio	51	136	1197	SGA 9118
McClure, Neil A.	51	300		SGA 9119
Strong, Rekah T.	51	166		SGA 9120
Bohlke, Wendy K.	51	300		SGA 9121
Johnson, Rebecca M.	52	300		SGA 9122
Anderson, Anthony J.	52	136		SGA 9123
Childs, Shannon L.	52	136		SGA 9124
Scheibmeir, Mark C.	52	209	325	SGA 9125
Hill, Steven R.	52	300		SGA 9126
Lucatero, Flora E.	52	209	1960	SGA 9127
Bagherpour, Bahram	52	210		SGA 9128
Miller, Cheryl A.	52	210		SGA 9129
Drew, Kathleen	52			SGA 9130
Peralta, Rosa	53	300	669	SGA 9131
Shiosaki, Michael S.	53	246	768	SGA 9132
Solien, Stephanie M.	53			SGA 9133
Willhite, Theodore R.	53	246	768	SGA 9134
Downing, William	53	145	718	SGA 9135
Scragg, John C.	53	354		SGA 9136
Wise, Neil L.	53			SGA 9137
Anthony, Michael L.	53	354		SGA 9138
Donner, Crystal	54	210	1600	SGA 9139
Robinson, Randy J.	54	185		SGA 9140
Leigh, Richard	54	300		SGA 9141
Perez, Diana H.	54	754		SGA 9142
Zeeck, David	54	301	1239	SGA 9143
Manning, Jay J.	54			SGA 9144
George, Reginald	54	783		SGA 9145
Johnson, Glenn A.	54	210		SGA 9146
Smith, Stephen L.	54	166		SGA 9147
Conner, Raymond	55	210	315	SGA 9148
Mendoza, Rosalinda	55	210	770	SGA 9149
Troyer, Edward C.	55			SGA 9150
Sahlstrom, Skylee	55	789		SGA 9151
Weldele-Wallace, Sidney	55			SGA 9152
Burke, Alan	55			SGA 9153
Koon, Holly A.	55	301		SGA 9154
Whaley, Robert H.	55	166		SGA 9155
Pearman-Gillman, Kim	55	301		SGA 9156
Eng, Jack S.	56			SGA 9157
Maxwell, Jeramie	56	742		SGA 9158
Estes, Jeffrey C.	56	301		SGA 9159

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Kuschel, Judy F.	56	127	250	SGA 9160
Smith, Bradley F.	56	301		SGA 9161
Levy, Alicia R.	56			SGA 9162
Martin-Morris, Hairum J.	56	784		SGA 9163
Anderson, Steven F.	56			SGA 9164
McCoy, Maia C.	56	137		SGA 9165
Savusa, Fiasili L.	57	301		SGA 9166
Glasper, Marcus J.	57			SGA 9167
Lynch, Timothy	57			SGA 9168
Patterson, Julia L.	57	137	327	SGA 9169
McVicker, Carol J.	57	166	1311	SGA 9170
Cohen, Jerome O.	57	167		SGA 9171
Norris, Vickie K.	57	301	816	SGA 9172
Raiter, George	57	167	1361	SGA 9173
Marchioro, Joan M.	57			SGA 9174
Murray III, Lowell T.	58			SGA 9175
Ramirez, Citlaly P.	58	117	336	SGA 9176
Zhou, Kaitlyn	58	117	249	SGA 9177
Akerlund, Paula M.	58	301		SGA 9178
Frost, Jordan	58	117	249	SGA 9179
Ly, Kathleena K.	58	118	718	SGA 9180
Berntsen, Teresa	58	127	159	SGA 9181
Houser, William C.	58	174		SGA 9182
Moss, Jim	58			SGA 9183
Wamsley, Demie	59	118		SGA 9184
Sullivan, Jeromy C.	59			SGA 9185
Durham, Angela M.	59	210	1263	SGA 9186
Morrow, Joedy R.	59	210		SGA 9187
Mclerran, Dennis J.	59			SGA 9188
Boschok, Jacelyn (Jackie) M.	59	145	544	SGA 9189
Cowger, Graciela G.	59	145	545	SGA 9190
Daudon, Marc D.	59			SGA 9191
Levine, Suzan	59	151	272	SGA 9192
Malveaux, Regina	60	145	545	SGA 9193
Restucci, James A.	60	354	1433	SGA 9194
Van Der Lugt, Lisa	60			SGA 9195
Huang, Grace	60	145	545	SGA 9196
Thew, Elizabeth (Beth) J.	60			SGA 9197
Fairfield, Tara S.	60	145	546	SGA 9198
Holland, Monica A.	60	145	546	SGA 9199
Indapure, Rituja	60	145	546	SGA 9200
Kamphuis, Juanita J.	60	302		SGA 9201
Mattke, Mark	61	167		SGA 9202
Christianson, Maria J.	61	784		SGA 9203
Rains, Dawn E.	61	145	547	SGA 9204
Merriweather, Michelle Y.	61	145	547	SGA 9205
Shaffer, Catherine	61	302		SGA 9206
Aguilar, Yazmin	61	118	231	SGA 9207
Wettack, Tim G.	61	754		SGA 9208
Rogoff, Roger S.	61	175		SGA 9209
Sims, Ron	62			SGA 9210
Drew, Steven J.	62	302	2097	SGA 9211
Moss, Heather	62	167	473	SGA 9212
Fraser, Karen	62	302	391	SGA 9213
Link, Gregory C.	62	175		SGA 9214
Mathews, Dennis W.	62	302		SGA 9215
Dickinson, Marty J.	62	210	345	SGA 9216

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Sharpe, Susan K.	62	167		SGA 9217
Thew, Elizabeth (Beth) J.	62			SGA 9218
Cook, Deborah	63	246		SGA 9219
Kelly, D. Michael	63	302		SGA 9220
McDaniel, Nancy L.	63	302		SGA 9221
McFadden, Charles S.	63	167		SGA 9222
Murphy, James M.	63	167		SGA 9223
Ahl, Debbie J.	63	302		SGA 9224
Wilson, Vicki J.	63	167		SGA 9225
Dietz, Alice E.	63	210	2097	SGA 9226
Parker, David	63	185		SGA 9227
Willis, Brett R.	64	167		SGA 9228
Pierini, Arlene M.	64	211		SGA 9229
Campbell, Debbie A.	64	211	336	SGA 9230
Aveledo, Astrid E.	64	303		SGA 9231
Chu, Elaine	64	211		SGA 9232
Jaech, Jeremy	64	303		SGA 9233
Lux, Thomas W.	64	303		SGA 9234
Williams, Robert M.	64	167	1239	SGA 9235
Clay, Diana L.	64	303	770	SGA 9236
Epp, Gary	65	118	231	SGA 9237
Malte, Robert H.	65	211		SGA 9238
Stark, Brent L.	65	784		SGA 9239
Pettis, Faith L.	65	303		SGA 9240
Taylor, Teresa N.	65	211		SGA 9241
Yoshihara, Steven H.	65	211		SGA 9242
Thal, Spencer N.	65			SGA 9243
Keohokalole Schauer, Lisa T.	65	211	709	SGA 9244
Speer, Paul B.	65	303		SGA 9245
Castillo Jr., Noe	66	241		SGA 9246
Clifton, Lily	66	784		SGA 9247
Heu-Weller, Merisa T.	66	168	429	SGA 9248
Terpstra, 'Gidget' Jennie H.	66	303		SGA 9249
Warren, William W.	66	168		SGA 9250
Bennett, Kathryn A.	66	168		SGA 9251
Bush, Bonnie C.	66			SGA 9252
Danner, David	66	137	373	SGA 9253
Shuman, Patricia E.	66	304		SGA 9254
Page, Allyson	67	137		SGA 9255
Salvesen, Rhonda	67	211		SGA 9256
Pastor, Paul A.	67	221		SGA 9257
Bounds, Kenneth	67	754		SGA 9258
Latimer, Michael S.	67	247		SGA 9259
Hesselholt, Claire	67	127	159	SGA 9260
Krombeen, Henrik	67	354		SGA 9261
Pitre, Paul E.	67	784	1601, 1608	SGA 9262
Weaver, James	67			SGA 9263
Taylor, Eli	68	304		SGA 9264
Farrell, Timothy J.	68	354		SGA 9265
Lehman, Russell	113	287		SGA 9266
Lopez, Robert J.	113			SGA 9267
Markley, Greg B.	113	185	314	SGA 9268
Mason, Chelsea	113	304		SGA 9269
MacPhee, Libby	113	304	1263	SGA 9270
Angeletti-Harris, Cheryl	113	211		SGA 9271
Endresen Scott, Chris G.	113	754		SGA 9272
Enresen Scott, Chris G.			1375	SGA 9272

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Hauge, Russell D.	175			SGA 9273
Ragle, Claude A.	175			SGA 9274
Kirtley, Eleanor K.	221	354		SGA 9275
Milne, Michelle L.	221	784		SGA 9276
Kallappa, Bill	266	784		SGA 9277
Aguilera, Adam L.	266	784		SGA 9278
Brown, Lisa	355	742	792	SGA 9279
Gillis, Gladys T.	355			SGA 9280
Winmill, Marissa	355	784		SGA 9281
Martinez, Mark P.	539			SGA 9282
Reyes, Susana	754			SGA 9283
Pedersen, Kenneth J.	754			SGA 9284
Oshie, Patrick J.	789			SGA 9285
Zuckerman, Ed	789			SGA 9286
Clark, Charles	1137			SGA 9287
Holter, Sherer	1137			SGA 9288
Jarrett, Fred	1138			SGA 9289
Patnode, Jeff A.	1310			SGA 9290
Hackney, George D.	1958			SGA 9291
McDevitt, James A.	1958			SGA 9292

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SB 5000	Veterinarians/HEALWA	C 140 L 19		4/26/2019	7/28/2019
ESSB 5001	Human remains	C 432 L 19		5/21/2019	5/1/2020
SB 5002	Limited cooperative assocs.	C 37 L 19		4/17/2019	7/28/2019
SSB 5003	Business corporation act	C 141 L 19		4/26/2019	7/28/2019
SSB 5004	Low-income veterinary srvs	C 142 L 19		4/26/2019	7/28/2019
SSB 5010	Protected lands/fire levies	C 178 L 19		4/29/2019	7/28/2019
SSB 5012	Governmental continuity	C 471 L 19		5/21/2019	7/28/2019**
SSB 5017	Uniform unsworn declarations	C 232 L 19		4/30/2019	7/28/2019
2SSB 5021	DOC/interest arbitration	C 233 L 19		4/30/2019	7/28/2019
SB 5022	Higher ed./interest arbitr.	C 234 L 19	PV	4/30/2019	7/28/2019
SSB 5023	Ethnic studies	C 279 L 19		5/7/2019	7/28/2019
SSB 5025	Self-help housing dev./taxes	C 385 L 19		5/13/2019	10/1/2019
ESSB 5027	Extreme risk protect. orders	C 246 L 19		5/7/2019	7/28/2019
SSB 5028	Month of the kindergartner	C 179 L 19		4/29/2019	7/28/2019
SB 5032	Medicare supplement plans	C 38 L 19		4/17/2019	7/28/2019
ESSB 5035	Prevailing wage laws	C 242 L 19		5/7/2019	1/1/2020
SB 5054	Behav. health reciprocity	C 351 L 19	PV	5/9/2019	7/28/2019
SSB 5063	Ballots, prepaid postage	C 161 L 19		4/29/2019	7/1/2019
SB 5074	Presidential electors	C 143 L 19		4/26/2019	7/28/2019
ESSB 5079	Native Americans/voting	C 6 L 19		3/14/2019	7/28/2019
2SSB 5082	Social emotional learning	C 386 L 19		5/13/2019	7/28/2019
SB 5083	Indian tribe records	C 39 L 19		4/17/2019	7/28/2019
SB 5088	Computer science/high school	C 180 L 19		4/29/2019	7/28/2019
SSB 5089	Early learning access	C 409 L 19		5/21/2019	7/28/2019**
E2SSB 5091	Special education funding	C 387 L 19		5/13/2019	7/28/2019
SSB 5106	Natural disaster mitigation	C 388 L 19		5/13/2019	7/28/2019
SB 5107	Trust institutions	C 389 L 19		5/13/2019	7/28/2019
E2SSB 5116	Clean energy	C 288 L 19		5/7/2019	5/7/2019
SB 5119	Contracted highway workers	C 144 L 19		4/26/2019	7/28/2019
SB 5122	Water-sewer comm'r insurance	C 40 L 19		4/17/2019	7/28/2019
SB 5124	Appraisal mngmt companies	C 74 L 19		4/19/2019	7/28/2019*
ESSB 5127	Brain injury fee increase	C 181 L 19		4/29/2019	7/28/2019
ESSB 5131	Mobile home foreclosure sale	C 75 L 19		4/19/2019	7/28/2019
SB 5132	Noncollection of taxes	C 433 L 19		5/21/2019	7/28/2019
SSB 5135	Toxic pollution	C 292 L 19		5/8/2019	7/28/2019
SB 5145	Hydraulic fracturing	C 294 L 19		5/8/2019	7/28/2019
ESSB 5148	Hunting/visible clothing	C 58 L 19		4/19/2019	7/28/2019
SSB 5151	Growth mngmt board/indexing	C 452 L 19		5/21/2019	7/28/2019
ESSB 5160	Sr's, disab. vets/prop tx ex	C 453 L 19		5/21/2019	7/28/2019
SB 5162	Jury service qualifications	C 41 L 19		4/17/2019	7/28/2019
SSB 5163	Wrongful injury or death	C 159 L 19		4/26/2019	7/28/2019
SSB 5166	Postsecondary religious acc.	C 182 L 19		4/29/2019	7/28/2019
SSB 5175	Firefighter safety	C 76 L 19		4/19/2019	7/28/2019
SB 5177	Cemetery district withdrawal	C 42 L 19		4/17/2019	7/28/2019
SB 5179	County electrical equipment	C 310 L 19		5/8/2019	7/28/2019
SSB 5181	Invol. treatment procedures	C 247 L 19		5/7/2019	7/28/2019
ESSB 5183	Manufactured/mobile homes	C 390 L 19		5/13/2019	7/28/2019**
SB 5199	Correctional emp arbitration	C 280 L 19		5/7/2019	7/28/2019
SB 5205	Incomp. for trial/firearms	C 248 L 19		5/7/2019	7/28/2019
SB 5207	Felony voting rights notices	C 43 L 19		4/17/2019	7/28/2019
ESB 5210	Hearing instruments/notices	C 183 L 19		4/29/2019	7/28/2019
SSB 5212	Adoption of research animals	C 184 L 19		4/29/2019	7/28/2019
SSB 5218	Mobile food units	C 185 L 19		4/29/2019	7/28/2019
E2SSB 5223	Electrical net metering	C 235 L 19		4/30/2019	7/28/2019
SB 5227	Voter registration deadlines	C 391 L 19		5/13/2019	7/28/2019
SB 5230	Motor vehicle laws	C 44 L 19		4/17/2019	4/17/2019
SB 5233	Sick leave/collective barg.	C 236 L 19		4/30/2019	7/28/2019

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ESSB 5258	Isolated worker protection	C 392 L 19		5/13/2019	7/28/2019
SB 5260	Governor's emergency powers	C 472 L 19		5/21/2019	7/28/2019
SSB 5265	Volunteerism/state gov.	C 45 L 19		4/17/2019	7/28/2019
SSB 5266	Timely elections/districting	C 454 L 19		5/21/2019	5/21/2019
ESSB 5272	Emergency comm. max tax rate	C 281 L 19		5/7/2019	7/28/2019
ESB 5273	Presidential primary	C 7 L 19		3/14/2019	7/28/2019
ESB 5274	Pacific islanders/dental	C 311 L 19	PV	5/8/2019	7/28/2019
E2SSB 5276	Hemp production	C 158 L 19		4/26/2019	4/26/2019
SSB 5278	Payment card fraud reporting	C 186 L 19		4/29/2019	7/28/2019
E2SSB 5284	Smoke detection devices	C 455 L 19		5/21/2019	7/28/2019*
2SSB 5287	Redistricting/incarceration	C 456 L 19	PV	5/21/2019	7/28/2019
ESSB 5288	Persistent offenders/robbery	C 187 L 19		4/29/2019	7/28/2019
E2SSB 5290	Noncriminal youth detention	C 312 L 19		5/8/2019	7/1/2019*
SSB 5297	Assistant AG bargaining	C 145 L 19		4/26/2019	7/28/2019
ESSB 5298	Marijuana product labeling	C 393 L 19		5/13/2019	1/1/2020
SB 5300	Coroners/subpoena authority	C 237 L 19		4/30/2019	7/28/2019
SSB 5305	Electric util wildland fires	C 77 L 19		4/19/2019	7/28/2019
SB 5310	OFM/agency names & accounts	C 146 L 19		4/26/2019	7/28/2019*
ESSB 5311	OFM/obsolete provisions	C 147 L 19		4/26/2019	7/28/2019
ESSB 5313	School levies	C 410 L 19		5/21/2019	7/28/2019
ESSB 5318	Marijuana license compliance	C 394 L 19		5/13/2019	7/28/2019
SSB 5324	Homeless student support	C 412 L 19		5/21/2019	7/28/2019
ESSB 5330	Small forestland owners	C 457 L 19		5/21/2019	7/28/2019
ESSB 5332	Vital statistics	C 148 L 19		4/26/2019	1/1/2021*
SSB 5333	Uniform parentage act	C 46 L 19		4/17/2019	7/28/2019
ESB 5334	Common interest ownership	C 238 L 19		4/30/2019	7/28/2019
SB 5337	Sales & use tax exemptions	C 188 L 19		4/29/2019	7/28/2019
SB 5350	Optional life annuity	C 189 L 19		4/29/2019	1/1/2020
2SSB 5352	Walla Walla watershed pilot	C 78 L 19		4/19/2019	6/30/2019
SSB 5355	LEOFF credit recovery/PERS	C 47 L 19		4/17/2019	7/28/2019
E2SSB 5356	LGBTQ commission	C 395 L 19		5/13/2019	7/28/2019
SB 5359	Supported living/investigate	C 458 L 19		5/21/2019	7/1/2019
SB 5360	Retirement system defaults	C 313 L 19	PV	5/8/2019	7/28/2019
SSB 5362	Deferred finding/nonpayment	C 459 L 19		5/21/2019	7/28/2019
SSB 5370	Aviation coordinating comm'n	C 396 L 19		5/13/2019	7/28/2019
SSB 5380	Opioid use disorder	C 314 L 19		5/8/2019	7/28/2019*
ESSB 5383	Tiny houses	C 352 L 19		5/9/2019	7/28/2019
SSB 5386	Telemedicine training	C 48 L 19		4/17/2019	7/28/2019
SB 5387	Physician telemedicine cred.	C 49 L 19		4/17/2019	7/28/2019
SSB 5394	Liquor licensees/web sites	C 149 L 19		4/26/2019	7/28/2019
E2SSB 5397	Plastic packaging	C 460 L 19		5/21/2019	7/28/2019
SB 5398	Unemployment/apprentices	C 50 L 19		4/17/2019	7/28/2019
SSB 5399	Child relocation	C 79 L 19		4/19/2019	7/28/2019
SSB 5403	Adult family home egress	C 80 L 19		4/19/2019	7/28/2019
SB 5404	Fish habitat projects	C 150 L 19		4/26/2019	7/28/2019
SSB 5405	Organ transplant nondiscrim.	C 315 L 19		5/8/2019	7/28/2019
ESSB 5410	Credit policy/AP, IB, CAIE	C 316 L 19		5/8/2019	7/28/2019
SB 5415	Indian health improvement	C 282 L 19		5/7/2019	7/28/2019
ESSB 5418	Local government procurement	C 434 L 19	PV	5/21/2019	7/28/2019
SSB 5425	Maternal mortality reviews	C 317 L 19		5/8/2019	7/28/2019
ESB 5429	Referred and diverted youth	C 461 L 19		5/21/2019	7/28/2019
E2SSB 5432	Behavioral health, integrate	C 325 L 19		5/9/2019	1/1/2020*
2SSB 5433	DOC/postsecondary education	C 397 L 19		5/13/2019	7/28/2019
2SSB 5437	ECEAP eligibility	C 408 L 19		5/21/2019	7/28/2019**
E2SSB 5438	Ag & seasonal workforce srv	C 441 L 19		5/21/2019	7/28/2019
ESB 5439	Employment security records	C 81 L 19		4/19/2019	7/28/2019
E2SSB 5444	Forensic mental health care	C 326 L 19		5/9/2019	7/28/2019

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ESB 5453	Irrigation district admin.	C 462 L 19		5/21/2019	7/28/2019
SSB 5461	Child sexual abuse investig.	C 82 L 19		4/19/2019	7/28/2019
SSB 5471	Elevators	C 151 L 19		4/26/2019	7/28/2019
SSB 5474	Self-insurers/L&I orders	C 190 L 19		4/29/2019	7/28/2019
ESSB 5480	Real estate appraisers	C 51 L 19		4/17/2019	9/1/2020
SB 5490	Life sciences discovery fund	C 83 L 19		4/19/2019	7/28/2019
SSB 5492	Motor vehicle felonies	C 191 L 19		4/29/2019	7/28/2019
E2SSB 5497	Immigrants in the workplace	C 440 L 19		5/21/2019	5/21/2019
SSB 5502	Redistricting deadlines	C 192 L 19		4/29/2019	7/28/2019
SB 5503	On-site sewage systems	C 21 L 19	PV	4/17/2019	7/28/2019
SB 5505	Local stormwater charges	C 435 L 19		5/21/2019	7/28/2019
SB 5506	Parking at rest areas	C 436 L 19		5/21/2019	7/28/2019
SB 5508	Concealed pistol licenses	C 249 L 19		5/7/2019	5/7/2019
2SSB 5511	Broadband service	C 365 L 19		5/13/2019	7/28/2019*
SSB 5514	School threats notification	C 84 L 19		4/19/2019	7/28/2019
ESSB 5526	Individual health ins market	C 364 L 19		5/13/2019	7/28/2019
SSB 5550	Pesticide application safety	C 327 L 19		5/9/2019	7/28/2019
SB 5551	Courthouse dog assistance	C 398 L 19		5/13/2019	7/28/2019
SSB 5552	Pollinators	C 353 L 19		5/9/2019	7/28/2019
SB 5558	DSHS & HCA/interpreters	C 152 L 19		4/26/2019	4/26/2019
SSB 5560	Elected officials/disputes	C 463 L 19		5/21/2019	7/28/2019
SB 5566	Prevailing wage admin. fees	C 193 L 19		4/29/2019	7/28/2019
ESB 5573	Domestic violence TBIs	Gov vetoed	V	5/8/2019	7/28/2019*
2SSB 5577	Orca whales/vessels	C 291 L 19		5/8/2019	7/28/2019
ESSB 5579	Crude oil volatility/rail	C 354 L 19		5/9/2019	3/14/2019*
SSB 5581	State tax laws	C 8 L 19		3/14/2019	7/28/2019
SSB 5588	Hydrogen production & sale	C 24 L 19		4/17/2019	7/28/2019
SB 5596	Health sciences authorities	C 464 L 19		5/21/2019	7/28/2019
SSB 5597	Aerial herbicide application	C 355 L 19		5/9/2019	7/28/2019
ESSB 5600	Residential tenants	C 356 L 19		5/9/2019	7/28/2019*
2SSB 5602	Reproductive health care	C 399 L 19		5/13/2019	1/1/2021
2SSB 5604	Uniform guardianship, etc.	C 437 L 19		5/21/2019	7/28/2019
SB 5605	Marijuana misdemeanors	C 400 L 19		5/13/2019	7/28/2019
SSB 5612	Holocaust education	C 85 L 19		4/19/2019	7/28/2019
SSB 5621	Small claims court jx amount	C 86 L 19		4/19/2019	7/28/2019
SB 5622	Limited jdx. court comm'rs	C 52 L 19		4/17/2019	7/28/2019
SSB 5627	Healthy energy work group	C 53 L 19		4/17/2019	7/28/2019
SSB 5638	Distributed ledger tech.	C 153 L 19		4/26/2019	10/1/2020
SB 5641	Uniform law on notarial acts	C 154 L 19		4/26/2019	7/28/2019
SB 5649	Sexual assault/adjust SOLs	C 87 L 19		4/19/2019	6/30/2019
SB 5651	Kinship care legal aid	C 465 L 19		5/21/2019	7/28/2019
SSB 5652	Impounded vehicle belongings	C 401 L 19		5/13/2019	7/28/2019
SSB 5668	Tow truck operator auctions	C 357 L 19		5/9/2019	7/28/2019
SSB 5670	Fire district powers	C 402 L 19		5/13/2019	7/28/2019
2SSB 5672	Adult fam. home spec. servs	C 466 L 19	PV	5/21/2019	7/28/2019*
ESSB 5688	Athletic trainers	C 358 L 19		5/9/2019	7/28/2019
SSB 5689	Harassment, etc./schools	C 194 L 19		4/29/2019	7/28/2019
SSB 5695	HOV lane penalties	C 467 L 19		5/21/2019	7/28/2019
SSB 5710	Active transp safety council	C 54 L 19	PV	4/17/2019	7/28/2019
SSB 5714	Evidence reliability, crim.	C 359 L 19		5/9/2019	7/28/2019
2SSB 5718	Child welfare housing assist	C 328 L 19		5/9/2019	1/1/2020
SSB 5723	Pedestrian, etc. safety	C 403 L 19		5/13/2019	7/1/2019
SSB 5734	Hospital safety net assess.	C 318 L 19		5/8/2019	5/8/2019
ESSB 5741	All payer claims database	C 319 L 19		5/8/2019	7/28/2019
SSB 5748	Military installation infra.	C 404 L 19		5/13/2019	10/1/2019
SSB 5763	Collector truck operators	C 195 L 19		4/29/2019	7/28/2019
SB 5764	WA medical commission	C 55 L 19		4/17/2019	7/28/2019

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SB 5786	Higher education/research	C 88 L 19		4/19/2019	7/28/2019
SB 5795	Contractor bonding	C 155 L 19		4/26/2019	7/28/2019
2SSB 5800	Homeless college students	C 330 L 19		5/9/2019	7/28/2019
SSB 5815	DCYF/minimum security status	C 468 L 19		5/21/2019	7/28/2019
SB 5817	Chiropractic senior students	C 405 L 19		5/13/2019	6/30/2019
ESSB 5825	Tolling/I-405, SR 167 & 509	C 421 L 19		5/21/2019	7/28/2019
SB 5831	Employer indebtedness/death	C 89 L 19		4/19/2019	7/28/2019
2SSB 5846	International medical grads	C 329 L 19		5/9/2019	7/28/2019
SSB 5851	Vuln. children ed. opport.	C 196 L 19		4/29/2019	7/28/2019*
SSB 5861	Legislature/code of conduct	C 469 L 19		5/21/2019	7/28/2019
SB 5865	Filipino American history	C 283 L 19		5/7/2019	7/28/2019
ESSB 5874	Rural sat. skill centers	C 197 L 19		4/29/2019	7/28/2019
SB 5881	Vehicle safety glazing, etc.	C 438 L 19		5/21/2019	7/28/2019
SSB 5883	Farm products/vehicle weight	C 439 L 19		5/21/2019	7/28/2019
SSB 5885	Child trafficking/hearsay	C 90 L 19		4/19/2019	1/1/2020
SSB 5889	Insurance communications	C 56 L 19		4/17/2019	7/28/2019
SSB 5894	Firefighters' pension levy	C 320 L 19		5/8/2019	7/28/2019
SB 5895	GAL fingerprint checks	C 57 L 19		4/17/2019	7/28/2019*
2SSB 5903	Children's mental health	C 360 L 19		5/9/2019	7/28/2019
SB 5909	Liquor manuf., import, etc.	C 156 L 19		4/26/2019	7/28/2019
SB 5918	Whale watching guidelines	C 293 L 19		5/8/2019	7/28/2019
SB 5923	County road emergency loans	C 157 L 19		4/26/2019	7/28/2019
ESB 5937	Vehicle lamp colors	C 321 L 19		5/8/2019	3/14/2019
SSB 5954	Bump-fire stock buy-back prg	C 9 L 19		3/14/2019	7/28/2019
SSB 5955	DCYF/statewide system	C 470 L 19		5/21/2019	7/28/2019
ESB 5958	Public works/interlocal	C 91 L 19		4/19/2019	7/28/2019
ESSB 5959	Livestock identification	C 92 L 19		4/19/2019	7/1/2019
ESSB 5993	Model toxics control program	C 422 L 19		5/21/2019	7/1/2019
ESSB 5997	Tax preferences	C 423 L 19		5/21/2019	1/1/2020
ESSB 5998	Grad. real estate excise tax	C 424 L 19		5/21/2019	7/1/2019
ESSB 6004	Travel agents & tour ops/tax	C 425 L 19		5/21/2019	7/28/2019*
ESB 6016	Investment management/taxes	C 426 L 19		5/21/2019	4/30/2019*
SB 6025	Bump-fire stock prog records	C 239 L 19		4/30/2019	5/29/2019

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HB 1001	Service contract providers	C 16 L 19		4/8/2019	7/28/2019
HB 1011	Working forests/real estate	C 17 L 19		4/8/2019	7/28/2019
SHB 1012	Child passenger restraint	C 59 L 19		4/19/2019	1/1/2020
HB 1014	Motorcycle operators	C 60 L 19		4/19/2019	7/28/2019
HB 1016	Sexual assault kit notice	C 250 L 19		5/7/2019	7/28/2019
HB 1020	County road admin. board	C 22 L 19		4/17/2019	7/28/2019
HB 1026	Breed-based dog regulations	C 199 L 19		4/30/2019	1/1/2020
SHB 1034	Restaurant soju endorsement	C 61 L 19		4/19/2019	7/28/2019
SHB 1041	Certificates of discharge	C 331 L 19		5/9/2019	7/28/2019
2SHB 1048	Small claims court judgments	C 251 L 19		5/7/2019	7/28/2019
SHB 1049	Health care whistleblowers	C 62 L 19		4/19/2019	7/28/2019
HB 1055	No-contact orders/arrest	C 18 L 19		4/8/2019	7/28/2019
2SHB 1059	B&O return filing due date	C 63 L 19		4/19/2019	7/28/2019
HB 1062	Commercial fishing access	C 200 L 19		4/30/2019	7/28/2019
SHB 1064	Law enforcement	C 4 L 19		2/4/2019	2/4/2019
2SHB 1065	Out-of-network health care	C 427 L 19		5/21/2019	7/28/2019*
HB 1066	Debt collection complaints	C 201 L 19		4/30/2019	7/28/2019
HB 1070	Natural gas tax treatment	C 202 L 19		4/30/2019	7/28/2019
SHB 1071	Personal information	C 241 L 19		5/7/2019	3/1/2020
EHB 1074	Tobacco & vapor products/age	C 15 L 19		4/5/2019	1/1/2020
SHB 1075	Consumer comp grp insurance	C 253 L 19		5/7/2019	7/1/2020
SHB 1083	Off-street parking, sale of	C 254 L 19		5/7/2019	7/28/2019
2SHB 1087	Long-term services & support	C 363 L 19		5/13/2019	7/28/2019
SHB 1091	Technical corrections	C 64 L 19		4/19/2019	7/28/2019
HB 1092	Metro. park district comm'rs	C 198 L 19		4/29/2019	7/28/2019
ESHB 1094	Medical marijuana renewals	C 203 L 19		4/30/2019	7/28/2019
SHB 1095	Medical marijuana/students	C 204 L 19		4/30/2019	7/28/2019
ESHB 1099	Health network adequacy	C 11 L 19		4/3/2019	7/28/2019
SHB 1101	State gen. obligation bonds	C 414 L 19		5/21/2019	5/21/2019
SHB 1102	Capital budget 2019-2021	C 413 L 19	PV	5/21/2019	5/21/2019
E2SHB 1105	Home foreclosure/taxes	C 332 L 19		5/9/2019	1/1/2020
ESHB 1107	Nonprofit homeownership dev.	C 361 L 19		5/9/2019	7/28/2019
ESHB 1109	Operating budget	C 415 L 19	PV	5/21/2019	5/21/2019*
E2SHB 1112	Hydrofluorocarbon emissions	C 284 L 19		5/7/2019	7/28/2019
E2SHB 1114	Food waste reduction	C 255 L 19		5/7/2019	7/28/2019
SHB 1116	Motorcycle safety	C 65 L 19		4/19/2019	1/1/2020
EHB 1126	Distributed energy	C 205 L 19		4/30/2019	7/28/2019
ESHB 1130	Pub. school language access	C 256 L 19		5/7/2019	7/28/2019
HB 1133	Apiarist liability	C 257 L 19		5/7/2019	7/28/2019
HB 1137	Nat guard pay/wildland fires	C 66 L 19		4/19/2019	7/28/2019
ESHB 1138	Tenancy termination/military	C 23 L 19		4/17/2019	7/28/2019
E2SHB 1139	Educator workforce supply	C 295 L 19	PV	5/8/2019	5/8/2019
HB 1146	Christmas tree growers	C 206 L 19		4/30/2019	7/28/2019
HB 1147	First informer broadcasters	C 207 L 19		4/30/2019	7/28/2019
SHB 1148	Architect registration	C 67 L 19		4/19/2019	7/28/2019
HB 1149	Sex. assault protect. orders	C 258 L 19		5/7/2019	7/28/2019
SHB 1151	Education reporting	C 208 L 19		4/30/2019	7/28/2019
SHB 1155	Health care employees	C 296 L 19		5/8/2019	1/1/2020
ESHB 1160	Transportation budget	C 416 L 19	PV	5/21/2019	5/21/2019**
2SHB 1166	Sexual assault	C 93 L 19		4/23/2019	7/28/2019*
SHB 1170	Fire service mobilization	C 259 L 19		5/7/2019	7/1/2019
EHB 1175	Health care decisions	C 209 L 19		4/30/2019	7/28/2019
HB 1176	Businesses & professions	C 442 L 19		5/21/2019	7/28/2019
HB 1177	Dental laboratories	C 68 L 19		4/19/2019	7/28/2019
SHB 1195	Campaign finance	C 428 L 19	PV	5/21/2019	5/21/2019*
SHB 1196	Perm. daylight saving time	C 297 L 19		5/8/2019	7/28/2019**
SHB 1197	Gold star license plates	C 210 L 19		4/30/2019	7/28/2019

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SHB 1198	Health prv misconduct notice	C 69 L 19		4/19/2019	10/1/2019
SHB 1199	Health care/disability	C 70 L 19		4/19/2019	1/1/2020
HB 1208	Public accounting services	C 71 L 19		4/19/2019	7/28/2019*
SHB 1210	School enrollment/military	C 72 L 19		4/19/2019	7/28/2019
2SHB 1216	School safety & well-being	C 333 L 19		5/9/2019	7/28/2019
EHB 1219	Real estate taxes/housing	C 73 L 19	PV	4/19/2019	7/28/2019
E2SHB 1224	Rx drug cost transparency	C 334 L 19		5/9/2019	7/28/2019
SHB 1225	Domestic violence/law enf.	C 367 L 19		5/13/2019	7/28/2019
SHB 1239	Pub. hospital board meetings	C 162 L 19		4/29/2019	7/28/2019
HB 1247	State credit union act	C 19 L 19		4/8/2019	7/28/2019
HB 1252	Business entities/crime	C 211 L 19		4/30/2019	7/28/2019
SHB 1254	Vehicle regist./marine cargo	C 94 L 19		4/23/2019	7/28/2019
E3SHB 1257	Energy efficiency	C 285 L 19		5/7/2019	7/28/2019
SHB 1284	Treasurer invest. portfolios	C 163 L 19		4/29/2019	7/28/2019
SHB 1290	Voluntary cleanups/haz waste	C 95 L 19		4/23/2019	7/28/2019
SHB 1295	Public works contracting	C 212 L 19		4/30/2019	7/28/2019
SHB 1298	Weights and measures program	C 96 L 19		4/23/2019	7/1/2019
HB 1301	Arenas/leasehold excise tax	C 335 L 19		5/9/2019	1/1/2020
SHB 1302	Gambling self-exclusion	C 213 L 19		4/30/2019	7/28/2019
2SHB 1303	Child care/higher education	C 97 L 19		4/23/2019	7/28/2019
E2SHB 1311	College bound scholarship	C 298 L 19		5/8/2019	7/28/2019
HB 1318	Capital budget/public art	C 240 L 19		5/7/2019	7/28/2019
E3SHB 1324	Rural development, zones	C 336 L 19	PV	5/9/2019	7/28/2019
ESHB 1325	Personal delivery devices	C 214 L 19		4/30/2019	9/1/2019
SHB 1326	DNA sample collection	C 443 L 19		5/21/2019	7/28/2019
ESHB 1329	Office of pub. guardianship	C 215 L 19		4/30/2019	7/28/2019
2SHB 1344	Child care access work group	C 368 L 19		5/13/2019	7/28/2019
HB 1349	Geriatric behavioral health	C 12 L 19		4/3/2019	7/28/2019
SHB 1350	Temporary protection orders	C 216 L 19		4/30/2019	7/28/2019
EHB 1354	Scan-down allowances	C 217 L 19		4/30/2019	7/28/2019
ESHB 1355	CTC counselor staffing	C 113 L 19		4/24/2019	7/28/2019
SHB 1356	Peer support group privilege	C 98 L 19		4/23/2019	7/28/2019
SHB 1360	Driving record abstracts	C 99 L 19		4/23/2019	7/28/2019
HB 1366	Comm. facilities districts	C 260 L 19		5/7/2019	7/28/2019
HB 1375	Port district campaign cntrb	C 100 L 19		4/23/2019	7/28/2019
SHB 1377	Housing dev./religious orgs.	C 218 L 19		4/30/2019	7/28/2019
ESHB 1379	Political comm. disclosures	C 261 L 19		5/7/2019	7/28/2019
HB 1380	Assault of utility worker	C 219 L 19		4/30/2019	7/28/2019
HB 1382	Emergency aid/prostitution	C 114 L 19		4/24/2019	7/28/2019
HB 1385	FDA nonpublic information	C 337 L 19		5/9/2019	7/28/2019
E2SHB 1391	Early achievers program	C 369 L 19	PV	5/13/2019	7/28/2019
2SHB 1394	Behavioral health facilities	C 324 L 19		5/9/2019	7/28/2019
SHB 1399	Paid family & medical leave	C 13 L 19		4/3/2019	7/28/2019
SHB 1403	Municipal B&O tax apportion.	C 101 L 19		4/23/2019	1/1/2020
SHB 1406	Affordable housing/sales tax	C 338 L 19		5/9/2019	7/28/2019
HB 1408	Survivorship benefit options	C 102 L 19		4/23/2019	7/28/2019
HB 1412	Nonresident pharmacies	C 25 L 19		4/17/2019	7/28/2019
SHB 1415	Medical marijuana auth db	C 220 L 19		4/30/2019	7/1/2019
2SHB 1424	CTE course equivalencies	C 221 L 19		4/30/2019	7/28/2019
HB 1426	Conservation district coop.	C 103 L 19		4/23/2019	7/28/2019
ESHB 1428	Electricity product attrib.	C 222 L 19		4/30/2019	7/28/2019
HB 1429	Dairy milk assessment fee	C 115 L 19		4/24/2019	7/28/2019
SHB 1430	Licensing moderniz. account	C 164 L 19		4/29/2019	6/1/2019
HB 1431	Joint self-insurance prgs	C 26 L 19		4/17/2019	7/28/2019
HB 1432	Hospitals/ARNPs & PAs	C 104 L 19		4/23/2019	7/28/2019
SHB 1436	Snow bikes	C 262 L 19		5/7/2019	9/1/2019
ESHB 1440	Rent increase notices	C 105 L 19		4/23/2019	7/28/2019

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2SHB 1444	Appliance efficiency	C 286 L 19		5/7/2019	7/28/2019
2SHB 1448	Veterans service officer prg	C 223 L 19		4/30/2019	7/28/2019
HB 1449	Public lands day	C 224 L 19		4/30/2019	7/28/2019
ESHB 1450	Noncompetition covenants	C 299 L 19		5/8/2019	1/1/2020
HB 1462	Tenant notice/demolish, etc.	C 339 L 19		5/9/2019	7/28/2019
EHB 1465	Pistol sales or transfers	C 244 L 19		5/7/2019	7/1/2019
SHB 1469	Driving/emerg. & work zones	C 106 L 19		4/23/2019	7/28/2019
SHB 1476	Contracts for dogs and cats	C 340 L 19		5/9/2019	7/28/2019
SHB 1480	Dredged material disposal	C 225 L 19		4/30/2019	7/28/2019
SHB 1485	Religious coordinator appt.	C 107 L 19		4/23/2019	7/28/2019
HB 1486	Delegation of inspection	C 165 L 19		4/29/2019	7/28/2019
HB 1490	Hanford workers/cancer	C 108 L 19		4/23/2019	7/28/2019
2SHB 1497	Foundat. public health servs	C 14 L 19		4/3/2019	7/28/2019
HB 1499	Public facilities/recreation	C 341 L 19		5/9/2019	7/28/2019
HB 1505	Child victims/sexual assault	C 300 L 19		5/8/2019	7/28/2019
SHB 1512	Transp. electrification	C 109 L 19		4/23/2019	7/28/2019
HB 1516	DFW dog training, nonlethal	C 226 L 19		4/30/2019	7/28/2019
E2SHB 1517	Domestic violence	C 263 L 19		5/7/2019	7/28/19*
2SHB 1528	Recovery support services	C 264 L 19		5/7/2019	7/28/2019
SHB 1531	Medical debt	C 227 L 19		4/30/2019	7/28/2019
SHB 1532	Domestic violence TBIs	C 110 L 19		4/23/2019	7/28/2019
HB 1533	D.V. resources in workplace	C 228 L 19		4/30/2019	7/28/2019
HB 1534	Psychiatric payments/rural	C 116 L 19		4/24/2019	4/24/2019
HB 1537	Sunshine committee recs.	C 229 L 19		4/30/2019	7/28/2019
E2SHB 1543	Recycling	C 166 L 19		4/29/2019	7/1/2019
SHB 1545	Curing ballots	C 167 L 19		4/29/2019	7/28/2019
HB 1554	Dental hygienists	C 111 L 19		4/23/2019	7/28/2019
ESHB 1557	Liquor licenses	C 370 L 19		5/13/2019	1/1/2020
HB 1561	DCYF oversight board	C 429 L 19		5/21/2019	7/28/2019
EHB 1563	Liquor tasting/students	C 112 L 19		4/23/2019	7/28/2019
EHB 1564	Nursing facilities/medicaid	C 301 L 19		5/8/2019	7/28/2019
HB 1568	Port district worker dev.	C 117 L 19		4/24/2019	7/28/2019
ESHB 1569	Product degradability	C 265 L 19		5/7/2019	7/1/2020
SHB 1575	Collective bargaining/dues	C 230 L 19		4/30/2019	7/28/2019
SHB 1577	K-12 computer sci. ed. data	C 27 L 19		4/17/2019	7/28/2019
ESHB 1578	Oil transportation safety	C 289 L 19		5/8/2019	7/28/2019
2SHB 1579	Chinook abundance	C 290 L 19	PV	5/8/2019	7/28/2019
ESHB 1582	Manuf./mobile home tenants	C 342 L 19		5/9/2019	7/28/2019
EHB 1584	Transp. planning orgs/tribes	C 118 L 19		4/24/2019	8/1/2019
SHB 1587	Fruits and vegetables access	C 168 L 19		4/29/2019	7/28/2019
HB 1589	Correctional emps/firearms	C 231 L 19		4/30/2019	7/28/2019
E2SHB 1593	UW behavioral health campus	C 323 L 19		5/9/2019	7/28/2019
SHB 1594	Telecommunication installat.	C 119 L 19		4/24/2019	7/28/2019
E2SHB 1599	High school graduation reqs.	C 252 L 19		5/7/2019	7/28/19*
SHB 1602	Consumer debt	C 371 L 19		5/13/2019	7/28/2019
2SHB 1603	Economic assistance programs	C 343 L 19		5/9/2019	7/28/2019
HB 1604	Childhood deafness center	C 266 L 19		5/7/2019	7/28/2019
SHB 1605	Foster care TBI screenings	C 120 L 19		4/24/2019	7/28/2019
SHB 1607	Health marketplace notices	C 267 L 19		5/7/2019	7/28/2019
SHB 1621	Teacher prep. skills assess.	C 121 L 19		4/24/2019	7/28/2019
HB 1634	Tax foreclosure/as-is sale	C 28 L 19		4/17/2019	12/4/2018
EHB 1638	Vaccine preventable diseases	C 362 L 19	PV	5/10/2019	7/28/2019
ESHB 1643	Address confid./property	C 122 L 19		4/24/2019	7/28/2019
E2SHB 1646	Juvenile rehab. confinement	C 322 L 19		5/9/2019	12/4/2018 *
HB 1647	Pilot rest periods	C 123 L 19		4/24/2019	7/28/2019
SHB 1652	Paint stewardship	C 344 L 19		5/9/2019	7/28/2019
HB 1657	Homeless youth services	C 124 L 19		4/24/2019	7/28/2019

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ESHB 1667	Public records request admin	C 372 L 19		5/13/2019	7/28/2019
2SHB 1668	Washington health corps	C 302 L 19		5/8/2019	7/28/2019
HB 1672	Wine recorking	C 169 L 19		4/29/2019	7/28/2019*
HB 1673	Explosives/public record act	C 125 L 19		4/24/2019	7/28/2019
HB 1688	Resident student/veterans	C 126 L 19		4/24/2019	7/28/2019
ESHB 1692	Agency employees/harassment	C 373 L 19		5/13/2019	7/28/2019
ESHB 1696	Wage and salary information	C 345 L 19		5/9/2019	7/28/2019
EHB 1706	Subminimum wage/disabilities	C 374 L 19		5/13/2019	7/1/2020
2SHB 1713	Native American women	C 127 L 19		4/24/2019	7/28/2019
HB 1714	High school diplomas by CTC	C 269 L 19		5/7/2019	7/28/2019
SHB 1724	Public facilities mitigation	C 375 L 19		5/13/2019	7/28/2019
HB 1726	Health care prof. students	C 270 L 19		5/7/2019	7/28/2019
HB 1727	Gift cards	C 376 L 19		5/13/2019	7/28/2019
HB 1730	Payment/limitations period	C 377 L 19		5/13/2019	7/28/2019
ESHB 1732	Bias-based criminal offenses	C 271 L 19		5/7/2019	7/1/2020
SHB 1734	College in high school accr.	C 272 L 19		5/7/2019	7/28/2019
SHB 1739	Firearms/undetectable, etc.	C 243 L 19		5/7/2019	7/28/2019
SHB 1742	Juvenile offenses/depictions	C 128 L 19		4/24/2019	7/28/2019
HB 1743	Prevailing rate of wages	C 29 L 19		4/17/2019	7/1/2019
SHB 1746	Commercial office space dev.	C 273 L 19		5/7/2019	7/28/2019
HB 1753	Health profession fees/rules	C 303 L 19		5/8/2019	4/17/2019
EHB 1756	Adult entertainer safety	C 304 L 19		5/8/2019	7/28/2019
SHB 1764	Found property	C 30 L 19		4/17/2019	7/28/2019
2SHB 1767	Arrest & jail alternatives	C 378 L 19		5/13/2019	7/28/2019
ESHB 1768	Substance use disorder prof.	C 444 L 19		5/21/2019	7/28/2019
ESHB 1772	Motorized foot scooters	C 170 L 19		4/29/2019	7/28/2019
EHB 1777	Surgical facilities/CON	C 31 L 19		4/17/2019	7/28/2019*
2SHB 1784	Wildfire prevention	C 305 L 19		5/8/2019	7/28/2019
SHB 1786	Protection, etc. orders	C 245 L 19		5/7/2019	7/28/2019
EHB 1789	Vehicle service fees	C 417 L 19		5/21/2019	7/28/2019
HB 1792	Marijuana retailer penalties	C 379 L 19		5/13/2019	7/28/2019
ESHB 1794	Marijuana bus. agreements	C 380 L 19		5/13/2019	7/28/2019
SHB 1798	Short-term rentals	C 346 L 19		5/9/2019	7/28/2019
EHB 1801	Abandoned cemeteries, entry	C 129 L 19		4/24/2019	7/28/2019
HB 1803	Minimum school days	C 274 L 19		5/7/2019	7/28/2019
ESHB 1817	High hazard facilities	C 306 L 19		5/8/2019	4/24/2019
ESHB 1839	Arena projects/taxes	C 347 L 19		5/9/2019	5/7/2019
EHB 1846	Off-road vehicle moneys	C 130 L 19		4/24/2019	1/1/2020
ESHB 1849	Unplatted tidelands, etc.	C 131 L 19		4/24/2019	5/9/2019
HB 1852	Property tax refunds	C 32 L 19		4/17/2019	7/28/2019
SHB 1856	Scleral tattooing	C 307 L 19		5/8/2019	7/28/2019
SHB 1865	Acupuncture & Eastern med.	C 308 L 19		5/8/2019	7/28/2019
HB 1866	Day care prof dev compliance	Gov vetoed	V	4/29/2019	7/28/2019
SHB 1870	Afford. care act protections	C 33 L 19		4/17/2019	7/28/2019
E2SHB 1873	Vapor product taxation	C 445 L 19		5/21/2019	4/17/2019
E2SHB 1874	Adolescent behavioral health	C 381 L 19		5/13/2019	10/1/2019
ESHB 1879	Rx drug utilization mngmt	C 171 L 19		4/29/2019	7/28/19*
2SHB 1893	Postsecondary student assist	C 407 L 19		5/21/2019	7/28/2019
HB 1900	Federal funding/family serv.	C 172 L 19		4/29/2019	7/28/2019
HB 1901	Safety belt exe/comm vehicle	C 173 L 19		4/29/2019	7/28/2019*
HB 1906	Dolores Huerta day	C 10 L 19		3/21/2019	7/28/2019
2SHB 1907	SUD treatment system	C 446 L 19		5/21/2019	7/28/2019
HB 1908	Electronic authentication	C 132 L 19		4/24/2019	7/28/2019*
SHB 1909	Industrial ins claim records	C 34 L 19		4/17/2019	7/28/2019
HB 1913	Occup. disease presumption	C 133 L 19		4/24/2019	7/28/2019
ESHB 1916	Child support services	C 275 L 19		5/7/2019	7/28/2019

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HB 1918	Community preservation auth.	C 447 L 19		5/21/2019	7/28/2019
SHB 1919	Animal abuse	C 174 L 19		4/29/2019	7/28/2019
E2SHB 1923	Urban residential building	C 348 L 19		5/9/2019	7/28/2019
SHB 1930	Expression of breast milk	C 134 L 19		4/24/2019	7/28/2019*
SHB 1931	Health care work violence	C 430 L 19		5/21/2019	7/28/2019
HB 1934	Pistol license/armed forces	C 135 L 19		4/24/2019	1/1/2020
SHB 1949	Firearm background checks	C 35 L 19		4/17/2019	7/28/2019
SHB 1953	Sno-park recreation permits	C 175 L 19		4/29/2019	7/28/2019
2SHB 1973	Dual enrollment scholarship	C 176 L 19		4/29/2019	7/28/2019
HB 1980	Federal tax lien recording	C 136 L 19		4/24/2019	7/28/2019
ESHB 1994	Significant transp. projects	C 137 L 19		4/24/2019	7/28/2019
EHB 1996	San Juan license plate	C 177 L 19		4/29/2019	7/28/2019
ESHB 2015	Library-archives building	C 448 L 19		5/21/2019	10/1/2019
ESHB 2018	Harassment/legislature	C 383 L 19		5/13/2019	7/28/2019*
EHB 2020	Employment investigations	C 349 L 19		5/9/2019	7/28/2019
SHB 2024	Medicaid incentive payments	C 350 L 19		5/9/2019	7/28/2019
HB 2035	In-state broadcasters, taxes	C 449 L 19		5/21/2019	7/28/2019
HB 2038	Pavement condition reporting	C 36 L 19		4/17/2019	7/28/2019**
E2SHB 2042	Green transportation	C 287 L 19		5/7/2019	7/28/2019
SHB 2044	Park district deannexation	C 138 L 19		4/24/2019	7/28/2019*
SHB 2049	Commercial egg layers	C 276 L 19		5/7/2019	7/28/2019
HB 2052	Marijuana product testing	C 277 L 19		5/7/2019	7/28/2019
HB 2058	Purple Heart license plates	C 139 L 19		4/24/2019	7/28/19*
HB 2062	Seattle Storm license plates	C 384 L 19		5/13/2019	7/28/2019
EHB 2067	Vehicle & vessel owner info.	C 278 L 19		5/7/2019	10/1/2019
HB 2072	County treasurer contracting	C 20 L 19		4/8/2019	7/28/2019
ESHB 2097	Statewide wolf recovery	C 450 L 19		5/21/2019	7/28/2019
HB 2119	State forestland moneys	C 309 L 19		5/8/2019	7/28/2019
ESHB 2140	K-12 education funding	C 411 L 19		5/21/2019	7/28/2019
HB 2144	LEOFF 2 benefit funding	C 366 L 19		5/13/2019	7/28/2019**
E2SHB 2158	Workforce education	C 406 L 19		5/21/2019	5/13/2019
SHB 2159	Budget stabilization account	C 418 L 19		5/21/2019	7/28/2019**
ESHB 2161	Ferry vessel procurement	C 431 L 19		5/21/2019	5/21/2019
ESHB 2163	Budget stabil. account/K-12	C 419 L 19		5/21/2019	7/28/2019
SHB 2167	Financial institutions tax	C 420 L 19		5/21/2019	5/21/2019
SHB 2168	Hospital tax preference	C 451 L 19		5/21/2019	7/28/2019
SHJM 4007	Regina Clark memorial bridge	H Filed Sec/St		4/26/2019	7/1/2019
HCR 4400	Joint session/state of state	H Filed Sec/St		1/15/2019	
HCR 4401	Code of conduct	H Filed Sec/St		2/13/2019	

HISTORY OF SENATE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5000	21	112	326	326	1433, 1530(P), 1869	C140
5001	21	99	196			C432
5001-S			196, 202			C432
5001-S.E				203	1870, 1876, 1877, 2161(P), 2249	C432
5002	21	132	399	399	1158, 1235(P), 1310, 1789	C37
5003	21	132	273			C141
5003-S			273	273	1599, 1647(P), 1869	C141
5004	21	224	322			C142
5004-S			322	322	1433, 1530(P), 1869	C142
5005	21	204			735	
5006	21	237				
5007	21					
5008	21	216	700			
5008.E				702	2796	
5009	21					
5010	21	132	251			C178
5010-S			251	251	1877, 1878, 2097(P), 2248,	C178
5011	21	269			735	
5012	22	171, 269	471			C471
5012-S			471	471	1998, 2001, 2161(P), 2249,	C471
5013	22	171			735	
5014	22					
5015	22					
5016	22	289			735	
5017	22	132	273, 274			C232
5017-S			274	274	1878, 1891, 2097(P), 2248,	C232
5018	22					
5019	22	171, 332			736	
5020	22	132			735	
5021	22	132, 332	408			C233
5021-S2			408	408	1891, 1893, 2097(P), 2248,	C233
5022	22	132, 332	459	460	1893, 1897, 2097(P), 2248,	C234PV
5023	22	144, 269	405			C279
5023-S			405	406	1860, 1861, 2097(P), 2248,	C279
5024	22	133	622			
5024-S			622, 623			
5024-S.E				624	2796	
5025	22	126, 377	621			C385
5025-S			621	621	1925, 1926, 2262, 2675, 2756(P), 2761,	C385
5026	23	187			735	
5027	23	133	426			C246
5027-S			426		426	C246
5027-S.E				428	1861, 1866, 2097(P), 2248,	C246
5028	23	144	326			C179
5028-S			326	326	1790, 1866(P), 2097	C179

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5029	23	99			736	
5030	23	104	392			
5030-S			392	392	2796	
5031	23					
5032	23	112	274	275	1140, 1145(P), 1158, 1789	C38
5033	23					
5034	23	171			736	
5035	23	237	376			C242
5035-S			376, 377			C242
5035-S.E				377	1897, 1899, 1900, 2097(P), 2248	C242
5036	23	116	253	253	2796	
5037	23					
5038	23				33, 100	
5039	24				33, 100	
5040	24				33, 100	
5041	24				100	
5042	24					
5043	24					
5044	24					
5045	24				100	
5046	24				100	
5047	24	163			735	
5048	24	93			33, 112	
5049	24					
5050	24					
5051	24	116	681			
5051-S			681			
5051-S.E				686	2796	
5052	25					
5053	25	163			2794	
5054	25	163	721	722	722, 2098, 2099, 2099, 2258(P), 2318	C351PV
5055	25	163			735	
5056	25				100	
5057	25	116				
5058	25					
5059	25	154			736	
5060	25					
5061	25	133			736	
5062	25	133			736	
5063	25	126, 366	429			C161
5063-S			429	430	1796, 1797, 2097(P), 2248,	C161
5064	25	216, 280, 377			736	
5065	25	216, 350			735	
5066	25	229, 377			230, 736	
5067	26	144	677			
5067-S			677			
5067-S.E				679	2796	
5068	26	144			736	
5069	26					
5070	26					
5071	26	144			736	
5072	26					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5073	26	126				
5074	26	204	329	329	1433, 1530(P), 1869	C143
5075	26					
5076	26	182			735	
5077	26	243	404			
5077-S			404, 405			
5077-S.E				405	2796	
5078	26	204	686, 696, 697	698	687, 696, 2796	
5079	26	171	193			C6
5079-S			193		193	C6
5079-S.E				194	553, 556, 621(P), 666,	C6
5080	27					
5081	27					
5082	27	144, 350	451			C386
5082-S2			451	451	2048, 2259, 2261, 2261, 2430(P), 2463,	C386
5083	27	133	272	273	1140, 1145(P), 1158, 1789	C39
5084	27					
5085	27					
5086	27					
5087	27	257			260	
5088	27	150, 269	671	671	151, 1900, 1901, 1901, 2097(P), 2248	C180
5089	27	182, 332	451			C409
5089-S			451	452	2003, 2004, 2227(P), 2249,	C409
5090	27	289			736	
5091	27	264, 378	571			C387
5091-S2			571			C387
5091-S2.E				572, 573	573, 2705, 2707, 2707, 2759(P), 2761	C387
5092	27					
5093	28	216, 366	425			
5093-S2			425	425	2796	
5094	28					
5095	28	171				
5096	28	280	560			
5096-S			560	561	2796	
5097	28	144			736	
5098	28					
5099	28	289			736	
5100	28					
5101	28	99				
5102	28					
5103	29					
5104	29	204			735, 1775	
5105	29					
5106	29	104	392			C388
5106-S			392	392	2004, 2005, 2161(P), 2249,	C388
5107	29	99	393	394	2005, 2035, 2227(P), 2249,	C389
5108	29					
5109	29					
5110	29	237				
5111	29					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5112	29					
5113	29	163	232	232	2796	
5114	30					
5115	30	171, 333			736	
5116	30	172, 280	358			C288
5116-S2			358, 359, 360, 361, 363, 364		364	C288
5116-S2.E				373	365, 373, 2048, 2067, 2067, 2227(P), 2249	C288
5117	30					
5118	30	133			735	
5119	30	204, 237	459	459	1599, 1647(P), 1869	C144
5120	30	216, 366	452			
5120-S2			453			
5120-S2.E				453	2796	
5121	30					
5122	30	116	273	274	1140, 1145(P), 1158, 1789	C40
5123	30	133			735	
5124	30	99	161	161	33, 1310, 1360(P), 1599, 2096	C74
5125	30	99	316	316	2796	
5126	30					
5127	30	150, 333	530			C181
5127-S			530, 531		531	C181
5127-S.E				531	1904, 1906, 2097(P), 2248,	C181
5128	31	204			2794	
5129	31					
5130	31	116				
5131	31	126	252			C75
5131-S			252			C75
5131-S.E				253	1268, 1360(P), 1599, 2096	C75
5132	31	117	316	316	1901, 1902, 2097(P), 2248,	C433
5133	31	827				
5134	31	827				
5135	31	243, 366	474			C292
5135-S			474	474	2068, 2072, 2227(P), 2249,	C292
5136	31					
5137	31	378	635			
5137-S			635	636	2796	
5138	31	378			735	
5139	31	305	689			
5139-S			689			
5139-S.E				690	2796	
5140	31					
5141	31	205, 366	428			
5141-S2			428	428	2796	
5142	31					
5143	32	133			736	
5144	32	205			33	
5145	32	172	234	234	33, 2078, 2078, 2078, 2227(P), 2249	C294

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5146	32	289				
5147	32	112				
5148	32	134	278			C58
5148-S			278			C58
5148-S.E				279	1268, 1360(P), 1599, 2096	C58
5149	32	134			137	
5150	32	258			735	
5151	32	134	195		33	C452
5151-S			195	195	2001, 2002, 2003, 2227(P), 2249	C452
5152	32					
5153	32					
5154	32					
5155	32					
5156	33	243			735	
5157	33					
5158	73					
5159	73	306				
5160	73	99, 112, 378	528			C453
5160-S			528			C453
5160-S.E				529	2697, 2701, 2759(P), 2761,	C453
5161	73					
5162	73	216	317	317	1140, 1235(P), 1310, 1789	C41
5163	73	134, 333	416			C159
5163-S			416, 418	419	416, 418, 419, 419, 1599, 1647(P), 1869	C159
5164	73	163, 367	476			
5164-S			476	476	2796	
5165	73	243	328			
5165.E				328	2796	
5166	73	163, 182	320			C182
5166-S			320	320	1907, 1908, 2097(P), 2248,	C182
5167	74	134, 237	558			
5167-S			558	559	2796	
5168	74	172			736	
5169	74					
5170	74					
5171	74					
5172	74					
5173	74					
5174	74	134			735	
5175	74	182	563			C76
5175-S			563	563	1310, 1360(P), 1599, 2096	C76
5176	74					
5177	74	117	203	203	1158, 1235(P), 1310, 1789	C42
5178	74					
5179	74	117	317	317	2099, 2100, 2258(P), 2318,	C310
5180	74	134			735	
5181	75	172, 350	536		76, 175	C247
5181-S			536	536	1902, 1903, 2097(P),	C247

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					2248,	
5182	75	280			736	
5183	75	280, 333	2085		736	C390
5183-S			2085		1900	C390
5183-S.E				2093	2703, 2704, 2705, 2759(P), 2761	C390
5184	75	269	719			
5184-S			719	719	2796	
5185	75					
5186	75	172			736	
5187	75	306			736	
5188	75					
5189	75					
5190	75	150, 367			735	
5191	75	117				
5192	75					
5193	75	289				
5194	75					
5195	75	126			735	
5196	75	172, 269			736	
5197	76	164, 264	430	430	2796	
5198	76	270			736	
5199	76	289	533	533	1268, 1360(P), 2258	C280
5200	76					
5201	81					
5202	81					
5203	81	205				
5204	81					
5205	82	172	534	534	1857, 1860, 2097(P), 2248,	C248
5206	82	112				
5207	82	182	319, 320	320	1158, 1235(P), 1310, 1789	C43
5208	82					
5209	82					
5210	82	205	634			C183
5210.E				634	1906, 1907, 2097(P), 2248,	C183
5211	82	306, 367	699			
5211-S			699	700	2796	
5212	82	258	624			C184
5212-S			624	624	1908, 2097(P), 2248,	C184
5213	82					
5214	82	800				
5215	82					
5216	82					
5217	82	289			736	
5218	82	216	326			C185
5218-S			327	327	1910, 1911, 1912, 2097(P), 2248	C185
5219	83	173			735	
5220	83					
5221	83	173	278	278	2796	
5222	83					
5223	83	134, 264	401			C235
5223-S2			401, 404			C235
5223-				404	2072, 2075, 2227(P),	C235

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
S2.E					2249,	
5224	83	205	374	374	2796	
5225	83					
5226	83				87	
5227	83	258	633	633	2035, 2037, 2038, 2227(P), 2249	C391
5228	83	173	547			
5228-S			547			
5228-S.E				547	2796	
5229	83					
5230	83	150	194	194	1158, 1235(P), 1310, 1789	C44
5231	83	205, 333			735	
5232	84					
5233	84	154	422	422	1908, 1910, 2097(P), 2248,	C236
5234	84	182				
5235	84					
5236	84	154, 350	558			
5236-S2			558	558	2796	
5237	84					
5238	84	306				
5239	84				87	
5240	84					
5241	84				87	
5242	84					
5243	84					
5244	84					
5245	84					
5246	84					
5247	85	205, 367	621			
5247-S			621	621	2796	
5248	85					
5249	85	187			736	
5250	85					
5251	85					
5252	85					
5253	85	150			735	
5254	85	205			735	
5255	85					
5256	85					
5257	85	237			735	
5258	85	135	232			C392
5258-S			232			C392
5258-S.E				233	1791, 2163, 2427, 2428, 2428, 2458(P), 2463,	C392
5259	85	173				
5260	85	205	235	236	2100, 2101, 2102, 2258(P), 2318	C472
5261	85	150				
5262	85					
5263	86	126, 281	677	677	2796	
5264	86					
5265	86	306	700			C45
5265-S			700	700	1158, 1235(P), 1310, 1789	C45

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5266	86	183	327			C454
5266-S			327, 328	328	2102, 2105, 2258(P), 2318,	C454
5267	86	206	392			
5267-S			392	393	2796	
5268	86					
5269	86					
5270	86	306			736	
5271	86					
5272	86	187	557			C281
5272-S			558			C281
5272-S.E				558	2105, 2258(P), 2318,	C281
5273	86	126	160		160	C7
5273.E				161	409, 415(P), 420	C7
5274	86	206, 350	713			C311PV
5274.E				714	1927, 1928, 2261, 2261, 2430(P), 2463,	C311PV
5275	86	183			736	
5276	86	217, 333	670			C158
5276-S2			670			C158
5276-S2.E				671	2240, 2247, 2248(P), 2258,	C158
5277	86	333			735	
5278	86	135	413			C186
5278-S			414	414	1659, 1866(P), 2097	C186
5279	87	290, 378	669		87	
5279-S			669			
5279-S.E				670	2796	
5280	87					
5281	87					
5282	87	270			735	
5283	87					
5284	87	290, 378	562			C455
5284-S2			562			C455
5284-S2.E				563	2118, 2123, 2124, 2258(P), 2318	C455
5285	93	135, 238			2794	
5286	93					
5287	93	306, 378	627			C456PV
5287-S2			627	628	2105, 2106, 2107, 2258(P), 2318	C456PV
5288	93	290	720			C187
5288-S			720, 721		721	C187
5288-S.E				721	1659, 1866(P), 2097	C187
5289	93	206				
5290	93	164, 378	690			C312
5290-S2			690, 694			C312
5290-S2.E				696	2319, 2324, 2325, 2438, 2743, 2752, 2752, 2761(P), 2762,	C312
5291	93	217, 351	703			
5291-S2			703			
5291-S2.E				704	2796	
5292	94	224, 351	358			
5292-S2			358	358	2796	
5293	94	217, 379			735	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5294	94	206	375, 376			
5294.E				376	2796	
5295	94	270	705			
5295-S			705			
5295-S.E				705	2796	
5296	94	290			736	
5297	94	154, 379	431			C145
5297-S			431	431	1433, 1530(P), 1869	C145
5298	94	290	399			C393
5298-S			399, 637, 640		399, 637	C393
5298-S.E				646	2107, 2109, 2110, 2258(P), 2318	C393
5299	94	217, 379			722, 735	
5300	94	217	273	273	1912, 2097(P), 2248,	C237
5301	94	112				
5302	94					
5303	94	290	400			
5303-S			400	400	2796	
5304	95	206	330	330	2796	
5305	95	243	318			C77
5305-S			318	318	1310, 1360(P), 1599, 2096	C77
5306	95	183			736	
5307	95					
5308	95	281, 379	688			
5308-S2			688	689	2796	
5309	95					
5310	95	206	530	530	1599, 1647(P), 1869	C146
5311	95	258	530			C147
5311-S			530			C147
5311-S.E				530	1599, 1647(P), 1869	C147
5312	95					
5313	95	258, 829	2430		2430	C410
5313-S			2430, 2433, 2434		2433, 2434	C410
5313-S.E				2434	2763, 2766, 2795(P), 2795,	C410
5314	95					
5315	95	290, 379			736	
5316	95					
5317	95	206, 379			736	
5318	96	290, 380	646			C394
5318-S			646, 647, 653, 657, 660, 664		656	C394
5318-S.E				665	2110, 2118, 2258(P), 2318,	C394
5319	96	145				
5320	96	173			735	
5321	96	258				
5322	96	281	396			
5322-S			396			
5322-S.E				396	2796	
5323	96	173, 334	431			
5323-S			431, 434			
5323-S.E				435	2796	
5324	96	183, 351	459			C412
5324-S			459	459	2124, 2126, 2258(P),	C412

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					2318,	
5325	96	173				
5326	96					
5327	96	206, 380	561			
5327-S2			561			
5327- S2.E				562	2796	
5328	96	217, 291				
5329	96	173			735	
5330	97	217	338			C457
5330-S			338			C457
5330-S.E				339	2126, 2127, 2258(P), 2318,	C457
5331	97	164				
5332	97	217, 334				C148
5332-S			406			C148
5332-S.E				407	1433, 1530(P), 1869	C148
5333	97	135	231			C46
5333-S			231	232	1140, 1145(P), 1158, 1789	C46
5334	97	174	321			C238
5334.E				322	1937, 1956, 2097(P), 2248,	C238
5335	97					
5336	97	281, 537			538	
5337	97	154, 334	424	424	155, 1659, 1866(P), 2097	C188
5338	97	206, 334				
5339	97	218	250	251	2796	
5340	98					
5341	98	164				
5342	98					
5343	98	307				
5344	98	281, 380			735	
5345	98					
5346	98					
5347	100					
5348	100					
5349	100				736	
5350	100	183	475	475	1790, 1866(P), 2097	C189
5351	100	238			736	
5352	100	243, 351	423			C78
5352-S2			423	424	1310, 1360(P), 1599, 2096	C78
5353	100	270				
5354	100	264, 380	672			
5354-S			672	672	2796	
5355	100	207	474			C47
5355-S			474	475	1158, 1235(P), 1310, 1789	C47
5356	100	281, 380	450			C395
5356-S2			450			C395
5356- S2.E				450	2127, 2128, 2258(P), 2318,	C395
5357	100	238				
5358	100	117, 183				
5359	100	238, 367	710	710	2289, 2314(P), 2463	C458

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5360	101	187	551	552	2325, 2458(P), 2463,	C313PV
5361	101	238			736	
5362	101	207	2258		735	C459
5362-S			2258	2258	2701, 2703, 2759(P), 2761,	C459
5363	101	207, 380	679			
5363-S			679	680	679, 2796	
5364	101					
5365	101	307				
5366	101	151, 381	680			
5366-S			680	680	2796	
5367	101	238	327	327	2796	
5368	101	218				
5369	101					
5370	101	264	603			C396
5370-S			603	604	1795, 1796, 2238, 2428, 2429, 2430, 2761, 2795(P), 2795,	C396
5371	101					
5372	101	187			736	
5373	101					
5374	101					
5375	102	183	373	374	2796	
5376	102	258, 381	461			
5376-S2			461	462	2796	
5377	102	281				
5378	102	381			736	
5379	102	238				
5380	102	224, 351	472			C314
5380-S			472	472	1912, 1925, 2163, 2411, 2427, 2427, 2458(P), 2463	C314
5381	102					
5382	102	264			735	
5383	102	238	454			C352
5383-S			454			C352
5383-S.E				457	1960, 1963, 2161(P), 2249,	C352
5384	102	291			736	
5385	102	307	717			
5385-S			717	717	2796	
5386	102	224	400			C48
5386-S			400	401	1140, 1145(P), 1158, 1789	C48
5387	102	207	320	320	1140, 1145(P), 1158, 1789	C49
5388	103	282, 381	565			
5388-S			565	565	2796	
5389	103	307, 381	719			
5389-S			720			
5389-S.E				720	2796	
5390	103					
5391	103	244			736	
5392	103					
5393	103	164, 381	583			
5393-S2			583, 584, 597			
5393-				598	2796	

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S2.E						
5394	103	184	534			C149
5394-S			534	534	1433, 1530(P), 1869	C149
5395	103	291	345		304	
5395-S			345, 346, 347, 348		347	
5395-S.E				349	2796	
5396	103					
5397	103	218, 382	552			C460
5397-S2			552			C460
5397-S2.E				553	2075, 2076, 2077, 2227(P), 2249	C460
5398	105	238	395	395	1158, 1235(P), 1310, 1789	C50
5399	105	174	321			C79
5399-S			321	321	1268, 1360(P), 1599, 2096	C79
5400	105					
5401	105					
5402	105	184			735	
5403	105	224	398			C80
5403-S			398	398	1268, 1360(P), 1599, 2096	C80
5404	105	218	475	475	1433, 1530(P), 1869	C150
5405	105	224	557			C315
5405-S			557	557	1963, 1964, 2161(P), 2249,	C315
5406	106	239				
5407	106	270			736, 2794	
5408	106					
5409	106					
5410	106	207	374			C316
5410-S			374, 375			C316
5410-S.E				375	2128, 2129, 2258(P), 2318,	C316
5411	106					
5412	106					
5413	106	265				
5414	106					
5415	106	207, 351	715	715	715, 1965, 1968, 1968, 2227(P), 2249	C282
5416	106	239			736	
5417	106	207			735	
5418	106	270	548			C434PV
5418-S			548			C434PV
5418-S.E				549	2129, 2139, 2258(P), 2318,	C434PV
5419	106	265			1900, 2794	
5420	107					
5421	107					
5422	107					
5423	107	174				
5424	107	155				
5425	107	239, 367	457			C317
5425-S			457	457	2139, 2143, 2258(P), 2318,	C317
5426	107	218, 351			736	

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5427	107					
5428	107	207, 334	528			
5428-S			528	528	2796	
5429	107	135	276			C461
5429.E				276	2144, 2145, 2258(P), 2318,	C461
5430	107					
5431	107	291, 382			113, 736	
5432	107	244, 382	527		113	C325
5432-S2			527			C325
5432-S2.E				528	1800, 1855, 2097(P), 2248,	C325
5433	108	164, 368	453			C397
5433-S2			453	453	1968, 1969, 2161(P), 2249,	C397
5434	108	291	634			
5434-S			634, 635			
5434-S.E				635	2796	
5435	108	135	318	318	2796	
5436	108	165				
5437	108	239, 382	451			C408
5437-S2			451	451	1969, 1973, 2161(P), 2249,	C408
5438	108	244, 382	462			C441
5438-S2			462, 465, 466		462, 465	C441
5438-S2.E				466	1973, 1974, 2161(P), 2249,	C441
5439	108	151	339			C81
5439.E				343	1268, 1360(P), 1599, 2096	C81
5440	108	291				
5441	108	135, 368	680			
5441-S			680	681	2796	
5442	108					
5443	108	307, 382	563		110	
5443-S			563	563	2796	
5444	109	258, 383	476		113	C326
5444-S2			476			C326
5444-S2.E				480	2208, 2211, 2212, 2314(P), 2463	C326
5445	109					
5446	109					
5447	109	174	324	324	2796	
5448	109					
5449	109	151			736	
5450	109	174, 352			175, 736	
5451	109					
5452	109					
5453	109	174	702		702	C462
5453.E				703	2212, 2213, 2298(P), 2463,	C462
5454	109					
5455	110					
5456	110	307				
5457	110	307			735	
5458	110	208, 352			211, 736	
5459	110					

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5460	110					
5461	110	218	319			C82
5461-S			319	319	1310, 1360(P), 1599, 2096	C82
5462	113					
5463	114					
5464	114	307				
5465	114	291				
5466	114					
5467	114	291, 383	670	670	304, 2796	
5468	114	292			736	
5469	114					
5470	114	184			735	
5471	114	155	233			C151
5471-S			233	234	1433, 1530(P), 1869	C151
5472	114					
5473	114					
5474	114	292	414			C190
5474-S			414	414	1659, 1866(P), 2097	C190
5475	114					
5476	114					
5477	115	179				
5478	115	244	420			
5478-S			420			
5478-S.E				422	2796	
5479	115	218			735	
5480	115	239	337			C51
5480-S			337			C51
5480-S.E				337	1158, 1235(P), 1310, 1789	C51
5481	115					
5482	115					
5483	115	270, 383	710			
5483-S2			710			
5483-S2.E				712	2796	
5484	115	184, 368			736	
5485	118	208	453			
5485-S			453			
5485-S.E				454	2796	
5486	118	218			735	
5487	118	292			735	
5488	118	208	407			
5488-S			407	407	2796	
5489	118	270, 383	550			
5489-S2			550	551	2796	
5490	118	218	407	408	1268, 1360(P), 1599, 2096	C83
5491	118					
5492	119	244, 352	419, 420		247, 419	C191
5492-S			420	420	1659, 1866(P), 2097	C191
5493	119	239				
5494	119	219				
5495	119					
5496	119	308	626			
5496.E				626	2796	

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5497	119	292, 383	535			C440
5497-S2			535			C440
5497-S2.E				535	2213, 2216, 2298(P), 2463,	C440
5498	119	239			123	
5499	119	282				
5500	119					
5501	119	259	415	415	2796	
5502	119	259	395			C192
5502-S			395	395	1659, 1866(P), 2097	C192
5503	119	244	454	454	1140, 1145(P), 1158, 1789, 1790, 1790	C21PV
5504	119	308				
5505	120	239	533	533	2301, 2314(P), 2463	C435
5506	120	240	636	636	2217, 2298(P), 2463,	C436
5507	120	151			735	
5508	120	292	394	394	1974, 1976, 1977, 2161(P), 2249	C249
5509	120	259			736	
5510	120					
5511	120	259, 383	462			C365
5511-S2			462, 464	465	2217, 2225, 2226, 2298(P), 2463	C365
5512	120	308			736	
5513	120					
5514	120	208	428			C84
5514-S			429	429	1268, 1360(P), 1599, 2096	C84
5515	120	244			736	
5516	120	292			151	
5517	120					
5518	121	219	324	324	2796	
5519	121	219	325	325	2796	
5520	121					
5521	121					
5522	121	245			736	
5523	121	165, 334	716			
5523-S			716			
5523-S.E				717	2796	
5524	121	292				
5525	121	292	422		304	
5525-S			422	423	2796	
5526	121	282, 383	722			C364
5526-S			722, 723, 724			C364
5526-S.E				724	1792, 1793, 2163, 2459, 2459, 2459, 2756(P), 2761	C364
5527	121					
5528	121					
5529	121	151				
5530	121					
5531	121					
5532	121	265, 384	572			
5532-S			572	572	2796	
5533	121	240, 384			735	
5534	122					
5535	122					

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5536	122	240, 368	712			
5536-S			712			
5536-S.E				712	2796	
5537	122	334			2794	
5538	122	282				
5539	122					
5540	122					
5541	122					
5542	122					
5543	122	292			304	
5544	122	240	336		272	
5544-S			336, 343		336, 343	
5544-S.E				345	2796	
5545	122	245, 368			735	
5546	122					
5547	122	292				
5548	122	308			735	
5549	123	293, 757	1198			
5549-S2			1198, 1199		1199	
5549-S2.E				1199	2796	
5550	123	187, 335	563			C327
5550-S			563	564	1977, 1978, 2161(P), 2249,	C327
5551	123	293	394	394	2226, 2299(P), 2463,	C398
5552	123	293, 368	551			C353
5552-S			551	551	2078, 2083, 2227(P), 2249,	C353
5553	123	271				
5554	123					
5555	123					
5556	123					
5557	123	245			123	
5558	123	240	330	331	1433, 1530(P), 1869	C152
5559	127					
5560	127	219	317			C463
5560-S			317	317	2226, 2227, 2299(P), 2463,	C463
5561	127					
5562	127					
5563	127	282			736	
5564	128	219				
5565	128					
5566	128	184	704	704	1790, 1866(P), 2097	C193
5567	128	219			735	
5568	128	240			736	
5569	128					
5570	128	208			736	
5571	128	219				
5572	128	265, 368	736			
5572-S2			736	737	2796	
5573	128	240	531			Vetoed
5573.E				533	1978, 1980, 2161(P), 2249,	Vetoed
5574	128	265			735	
5575	128					
5576	128	308				

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5577	128	293, 384	474			C291
5577-S2			474	474	1994, 1996, 1997, 2161(P), 2249	C291
5578	128	219				
5579	129	219	396			C354
5579-S			396, 397			C354
5579-S.E				397	2077, 2078, 2227(P), 2249,	C354
5580	129					
5581	129	224	253			C8
5581-S			253	254	605, 620, 636(P), 666,	C8
5582	129					
5583	129	240				
5584	129	220	393	393	2796	
5585	129	220	319	319	2796	
5586	129	282			287	
5587	129					
5588	129	220	251			C24
5588-S			252	252	1158, 1235(P), 1310, 1789	C24
5589	129					
5590	130	308			2794	
5591	130	240	274			
5591-S			274	274	2796	
5592	130	271			735	
5593	130	308	415			
5593-S			416	416	2796	
5594	130	308				
5595	130					
5596	130	352	636	636	2686, 2756(P), 2761	C464
5597	130	293	396			C355
5597-S			396	396	2083, 2084, 2227(P), 2249,	C355
5598	130					
5599	130					
5600	130	265	574			C356
5600-S			574, 581, 582			C356
5600-S.E				583	2227, 2236, 2299(P), 2463,	C356
5601	130					
5602	130	309, 384	536			C399
5602-S2			536	536	1928, 1930, 2326, 2328, 2328, 2458(P), 2463	C399
5603	130	229	275			
5603-S			275	275	275, 2796	
5604	130	220, 384	441			C437
5604-S2			441	442	2164, 2207, 2328, 2371, 2371, 2458(P), 2463	C437
5605	131	245, 352	636, 637	637	1930, 1932, 2398, 2399, 2399, 2458(P), 2463	C400
5606	131					
5607	131					
5608	131					
5609	131					

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5610	131					
5611	138	369			735	
5612	138	309, 384	672			C85
5612-S			672	672	1310, 1360(P), 1599, 2096	C85
5613	138	229	279	279	2796	
5614	138	293			735	
5615	138					
5616	138	245	329			
5616.E				329	2796	
5617	138	293				
5618	138	155				
5619	138					
5620	138					
5621	139	245	406			C86
5621-S			406	406	406, 1268, 1360(P), 1599, 2096	C86
5622	139	220	330	330	1140, 1145(P), 1158, 1789	C52
5623	139	293			735	
5624	139					
5625	139					
5626	139	294				
5627	139	294	394			C53
5627-S			394	394	808, 816(P), 1140, 1789	C53
5628	139					
5629	139					
5630	139					
5631	139					
5632	139					
5633	139	309, 369	706		151	
5633-S			706	706	2796	
5634	140					
5635	140	282, 369	573	573	2796	
5636	140	335			736	
5637	140	179			151	
5638	140	271	452			C153
5638-S			452	452	1599, 1647(P), 1869	C153
5639	140					
5640	140	241	560	560	2207, 2208, 2372, 2797	
5641	140	220	235	235	221, 1433, 1530(P), 1869	C154
5642	140					
5643	140	294, 757			2794	
5644	140					
5645	140	241				
5646	140	184				
5647	140					
5648	140					
5649	140	245	279	279	1268, 1360(P), 1599, 2096	C87
5650	141					
5651	141	294, 369	553	553	1980, 1981, 2227(P), 2249,	C465
5652	141	369	622			C401

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5652-S			622	622	2289, 2290, 2291, 2430(P), 2463	C401
5653	141	241	324	324	2797	
5654	141	220			221	
5655	141					
5656	141	282, 352			735	
5657	141					
5658	141					
5659	141					
5660	141				151	
5661	141	241			736	
5662	141	220, 385	672			
5662-S2			672			
5662-S2.E				674	2797	
5663	141					
5664	142					
5665	142	220, 352			736	
5666	146	245, 369			247, 735	
5667	146					
5668	146	208, 335	699			C357
5668-S			699	699	2459, 2689(P), 2761	C357
5669	146					
5670	146	271	550			C402
5670-S			550	550	1981, 1982, 2161(P), 2249,	C402
5671	146					
5672	146	309, 385	562			C466PV
5672-S2			562	562	2291, 2293, 2430(P), 2463,	C466PV
5673	146					
5674	146					
5675	146					
5676	146	220			736	
5677	146	184			736	
5678	146					
5679	146	246			736	
5680	147	271				
5681	147					
5682	147	265, 369			266, 735	
5683	147	241				
5684	147	208				
5685	147					
5686	147					
5687	147	241	687			
5687-S			688	688	2797	
5688	147	309	573		473	C358
5688-S			573			C358
5688-S.E				573	1982, 1987, 2227(P), 2249,	C358
5689	147	309	336			C194
5689-S			336	337	1855, 1857, 2097(P), 2248,	C194
5690	147					
5691	148					
5692	148	2162				
5693	148	294			736	

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5694	148	241	319			
5694-S			319	319	2797	
5695	148	385	622			C467
5695-S			622	622	2753, 2755, 2756, 2761(P), 2762	C467
5696	148	294, 385			735	
5697	148	283			736, 2794	
5698	148					
5699	148	225				
5700	148	283				
5701	148					
5702	148					
5703	148					
5704	148	259				
5705	152	259			260	
5706	152	259			736	
5707	152					
5708	152					
5709	152	283				
5710	152	370	425			C54PV
5710-S			425	425	1158, 1235(P), 1310, 1789, 1790, 1791	C54PV
5711	152					
5712	152					
5713	152	259, 385			736	
5714	152	294	400			C359
5714-S			400	400	2299, 2301, 2430(P), 2463,	C359
5715	152	294			168	
5716	152	184	194	194	2797	
5717	152	294				
5718	152	283, 385	604			C328
5718-S2			604	604	1987, 1988, 2227(P), 2249,	C328
5719	152					
5720	153	259, 385	480		168	
5720-S2			480			
5720-S2.E				527	2797	
5721	155					
5722	155					
5723	155	370	425			C403
5723-S			425	425	1989, 1994, 2161(P), 2249,	C403
5724	155					
5725	155					
5726	155					
5727	155	260				
5728	155	309				
5729	155	310			736	
5730	156					
5731	156	310	679	679	2797	
5732	156					
5733	156	295			736	
5734	156	295	326		158	C318
5734-S			326	326	2289, 2314(P), 2463	C318
5735	156	283	415			

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5735-S			415	415	2797	
5736	156				158	
5737	156	283				
5738	156	283				
5739	156	265, 386	702, 703			
5739-S			702, 703	702, 703	2797	
5740	156	246, 386	559			
5740-S2			559			
5740-S2.E				559	2797	
5741	156	283, 386	714			C319
5741-S			714, 715			C319
5741-S.E				715	1932, 1937, 2399, 2404, 2404, 2458(P), 2463	C319
5742	156					
5743	156					
5744	157	284				
5745	157	295			735	
5746	157	266	625			
5746-S			625		625	
5746-S.E				626	2797	
5747	157					
5748	157	184, 266	627			C404
5748-S			627	627	2404, 2405, 2458(P), 2463,	C404
5749	157	284			736	
5750	157					
5751	157	386			736	
5752	157					
5753	157					
5754	157					
5755	157	260, 386	430			
5755.E				431	2797	
5756	157					
5757	157					
5758	157					
5759	157					
5760	168					
5761	168					
5762	168	310			736	
5763	168	370	424			C195
5763-S			424	424	1659, 1866(P), 2097	C195
5764	168	284	475	475	1140, 1145(P), 1158, 1789	C55
5765	168	295	564		564	
5765.E				564	2797	
5766	168	266			736	
5767	168					
5768	169					
5769	169					
5770	169					
5771	169					
5772	169					
5773	169					
5774	169	284, 386	442			
5774-S2			442	450	2797	

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5775	169				170	
5776	169					
5777	169					
5778	169					
5779	169	310	628			
5779.E				629	2797	
5780	169					
5781	169					
5782	169	295	414	414	2797	
5783	170					
5784	175					
5785	176					
5786	176	284	460	460	1310, 1360(P), 1599, 2096	C88
5787	176	310	535	535	2797	
5788	176					
5789	176					
5790	176					
5791	176					
5792	176	229	406	406	2797	
5793	176					
5794	176					
5795	176	271	407	407	1433, 1530(P), 1869	C155
5796	176					
5797	176					
5798	176					
5799	177					
5800	177	284, 387	442			C330
5800-S2			442	442	2405, 2406, 2407, 2458(P), 2463	C330
5801	179	370			736	
5802	179					
5803	179					
5804	179					
5805	179	284			735	
5806	179					
5807	180				181	
5808	180	266				
5809	180					
5810	180	208				
5811	180	246	398	399	2797	
5812	180	285	630			
5812-S			630, 633		632	
5812-S.E				633	2797	
5813	180					
5814	180					
5815	180	285, 387	452			C468
5815-S			452	452	2408, 2458(P), 2463,	C468
5816	180	285	534	534	2797	
5817	180	285	430	430	2408, 2409, 2458(P), 2463,	C405
5818	180					
5819	180	295			181, 186	
5820	180	310, 387	621			
5820-S2			621	622	2797	
5821	181					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5822	181	285, 387	724		724	
5822-S2			725	726	2797	
5823	181					
5824	181					
5825	185	1149	2301			C421
5825-S			2301, 2307		2307	C421
5825-S.E				2308	2692, 2697, 2759(P), 2761,	C421
5826	185	221, 335	435	435	2797	
5827	185	370			736	
5828	186	387	717	717	186, 2797	
5829	186	387	629			
5829-S			629	630	2797	
5830	188	388			736	
5831	188	271	414	415	1310, 1360(P), 1599, 2096	C89
5832	188					
5833	188					
5834	188					
5835	188					
5836	188					
5837	188					
5838	188	285			736	
5839	188	285	393			
5839-S			393	393	2797	
5840	188					
5841	188	310			735	
5842	188				212	
5843	188					
5844	189	271			735	
5845	189	260				
5846	189	310, 388	712			C329
5846-S2			712	712	2409, 2410, 2458(P), 2463,	C329
5847	189	370			735	
5848	189	285, 353			2794	
5849	189					
5850	213	295			736	
5851	213	353	436			C196
5851-S			436	436	1659, 1866(P), 2097	C196
5852	213					
5853	213	388	583			
5853-S			583			
5853-S.E				583	2797	
5854	213					
5855	213					
5856	213					
5857	213					
5858	213	296				
5859	213	311				
5860	213					
5861	213	311	458			C469
5861-S			458	459	2410, 2411, 2458(P), 2463,	C469
5862	213	388			735	
5863	213					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5864	214					
5865	214	311	426	426	1790, 1866(P), 2097	C283
5866	214					
5867	214					
5868	214	311			736	
5869	214					
5870	222					
5871	222				2762, 2794	
5872	222	388			735	
5873	222	296, 388	450		304	
5873-S2			450	451	2797	
5874	222	311	671			C197
5874-S			671			C197
5874-S.E				671	1790, 1866(P), 2097	C197
5875	222	296				
5876	222	286, 388	556			
5876-S			556	557	2797	
5877	222					
5878	222					
5879	222					
5880	222	286			736	
5881	222	370	457	458	223, 2439, 2439, 2439, 2689(P), 2761	C438
5882	223					
5883	223	370	472			C439
5883-S			472	473	2439, 2441, 2689(P), 2761,	C439
5884	223	286				
5885	225	296	604			C90
5885-S			604	604	1268, 1360(P), 1599, 2096	C90
5886	225				227, 2794	
5887	225	286	460		460	
5887.E				460	1793, 1794	
5888	225					
5889	225	311	458			C56
5889-S			458	458	1140, 1145(P), 1158, 1789	C56
5890	225					
5891	225					
5892	225	286				
5893	225				227	
5894	225	353	630			C320
5894-S			630	630	1794, 2441, 2442, 2689(P), 2761,	C320
5895	225	286	395	395	1158, 1235(P), 1310, 1789	C57
5896	225	371			736	
5897	226					
5898	226	353			736	
5899	226	296				
5900	226	286				
5901	228					
5902	228					
5903	230	311, 389	704		242	C360
5903-S2			704	704	1797, 1799, 1800, 2097(P), 2248	C360

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5904	230	311			242, 735	
5905	230					
5906	230					
5907	230	286				
5908	242					
5909	242	266	330	330	1433, 1530(P), 1869	C156
5910	242					
5911	242					
5912	242				242	
5913	242					
5914	242					
5915	242					
5916	242					
5917	242					
5918	247	296, 389	473	473	1997, 1998, 2161(P), 2249,	C293
5919	247	371	423			
5919-S			423	423	2797	
5920	247	353			735	
5921	247					
5922	247					
5923	247	371	560	560	1433, 1530(P), 1869	C157
5924	247					
5925	248					
5926	248					
5927	248				249	
5928	248					
5929	249					
5930	249	371	423	423	2797	
5931	249	296				
5932	249	296				
5933	249					
5934	249					
5935	249					
5936	260	287, 389	551			
5936-S			551	551	2797	
5937	260	371	564		457	C321
5937.E				565	2442, 2443, 2689(P), 2761,	C321
5938	261					
5939	261	296			736	
5940	261					
5941	261					
5942	261	287				
5943	261					
5944	261					
5945	261					
5946	261	287	416			
5946-S			416, 417			
5946-S.E				418	2797	
5947	261	297, 389	467		304	
5947-S2			467	467	2797	
5948	261	297				
5949	261					
5950	261	297				
5951	261	271				

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5952	262					
5953	262					
5954	262	297	365			C9
5954-S			365	365	699, 713(P), 727,	C9
5955	262	287	356			C470
5955-S			356	356	2443, 2457, 2458, 2756(P), 2761	C470
5956	267					
5957	267					
5958	267	297	549		267	C91
5958.E				550	1268, 1360(P), 1599, 2096	C91
5959	267	371	536			C92
5959-S			536			C92
5959-S.E			346	537	1310, 1360(P), 1599, 2096	C92
5960	267	297				
5961	267					
5962	272					
5963	272	389			736	
5964	287					
5965	304				305	
5966	304					
5967	304					
5968	305					
5969	305					
5970	305	537				
5971	305	537			538	
5972	305	537				
5973	305					
5974	314					
5975	314					
5976	314					
5977	323					
5978	323				323	
5979	335				335	
5980	409					
5981	437					
5982	468					
5983	666					
5984	666					
5985	727					
5986	732	1135	2145			
5986-S			2145, 2158, 2159			
5986-S.E				2159	2797	
5987	734					
5988	739					
5989	742					
5990	749					
5991	749					
5992	759	1135				
5993	761		2293		1900	C422
5993-S			2293, 2295, 2296, 2297		2296	C422
5993-S.E			2294	2298	2686, 2756(P), 2761	C422
5994	766					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
5995	785					
5996	790	1957			2794	
5997	790		2314		1900	C423
5997-S			2314, 2315		2316	C423
5997-S.E				2316	2675, 2689(P), 2761	C423
5998	790		2308		1900	C424
5998-S			2308, 2312, 2314		2312	C424
5998-S.E				2314	2675, 2689(P), 2761	C424
5999	790	1867			1900, 2794	
6000	803					
6001	803					
6002	803					
6003	803					
6004	803	2437				C425
6004-S			2670			C425
6004-S.E				2670	2760, 2761(P), 2762	C425
6005	803					
6006	803					
6007	803					
6008	1158					
6009	1158	1867			1900, 2794	
6010	1311					
6011	1375					
6012	1375	1957				
6013	1600					
6014	1600					
6015	1600					
6016	1655	1867	2160		1900, 2160	C426
6016.E				2160	2689, 2692, 2759(P), 2761,	C426
6017	1655					
6018	1787					
6019	2163					
6020	2163					
6021	2163					
6022	2249					
6023	2249					
6024	2438					
6025	2438		2688	2689	2686, 2766, 2766, 2795(P), 2795,	C239
6032-S.E (2018)					35	
6058 (2018)					34	
6095-S.E (2018)					36	
6106-S.E (2018)					37	
6362- S2.E (2018)					38	

HISTORY OF SENATE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8000	33				
8001	33	312			736
8002	33	312			735
8003	76				
8004	87				
8005	87	246	318	318	1790, 1866(P), 2097
8006	98	312			736
8007	115				
8008	149	209	416	416	2797
8009	214				
8010	226	312			736
8011	335				
8012	707				
8013	790				
8014	1958	2162			
8015	2094				

HISTORY OF SENATE JOINT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8200	33	174	471	472	1790, 1866(P), 2097
8201	33	230, 389	674		230
8201-S			674, 676	677	675, 676
8202	87				
8203	110				
8204	123				
8205	142				
8206	158	371			
8207	177				
8208	177				
8209	214	297			
8210	766				
8211	1432				
8212	1600	1867			1900, 2794

HISTORY OF SENATE CONCURRENT RESOLUTIONS BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8400	33		33		33, 34, 175, 178(P), 185
8401	33		34		33, 34, 80(P), 80, 93
8402	110		110		110, 191, 216, 232(P), 247, 424, 2797
8403	226	312	424		
8404	287		315		288, 315, 391, 415(P), 420
8405	2318		2396		2396
8405.E					2397, 2797
8406					2688, 2762, 2795, 2795(P),
8409	2793		2793		2793, 2794, 2795, 2795(P), 2795, 2796
8410	2793		2793		2793, 2794, 2795(P), 2795

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8600	Senate organized, ready	19
8601	Senate permanent rules	
8601.E	Senate permanent rules	19
8602	Women In Cloud initiative	125
8603	Dr. Martin Luther King Jr.	111
8604	Paul G. Allen	111
8605	Dairy industry	158
8606	India's Republic Day	142
8607	Hospitality industry	149
8608	Seattle General Strike, 1919	189
8609	Fredi Simpson	177
8610	Dorothy O'Loughlin	227
8611	Civil rights/reconstruction	178
8612	Lunar New Year	186
8613	Knights of Columbus	215
8614	Tahoma High School students	338
8615	Taiwan	1311
8616	Blessing of the fleet	228
8617	Presidents' day	256
8618	Civic education	257
8619	Children's day	257
8620	Japanese American internment	268
8621	CAPAA Sapphire Anniversary	315
8622	Shree Saini	324
8623	Black history month	356
8624	DES/February 2019 snow event	372
8625	PTSI education	737
8626	Meals on Wheels/Spokane	603
8627	Apple blossom festival	762
8628	Oso landslide	755
8629	Edgar Martinez	803
8630	Greg Stewart	2095
8631	Equal Rights Amendment	
8632	Daffodil festival	809
8633	Nowruz	750
8634	Jerry Smith	785
8635	Deputy Ryan Thompson	767
8636	Washington National Guard	768
8637	Kittitas boys' basketball	790
8638	Methow Headwaters campaign	1149
8639	Sikh American community	1159
8640	Navy	815
8641	National donate life month	830
8642	Eastern Washington Univ.	1238
8643	Destination Imagination	1141
8644	Erik Stark	2164
8645	Mike Colbrese	1959
8646	Luis Fernando Esteban	1655
8647	Jack Sikma	1788
8648	Motorcycle safety awareness	1789
8649	William W. Philip	1959
8650	Ukrainian Americans	1900
8651	Senator Prentice	1869
8652	Deputy Justin DeRosier	1960
8653	Perfect Attendance program	2095
8654	Lake Stevens Eagles softball	2164

NUMBER	SUBJECT	ACTION
8655	Senate business/interim	2793

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1000-I	247	2317	2759	2760	2760, 2761(P), 2762	
1001	567	730	798	798	539, 808, 816(P)	C16
1002-S	226	730			222, 2795	
1009-S	409	734			391, 2795	
1011	567	730	798	798	539, 808, 816(P)	C17
1012-S	226	781	1361	1363	222, 1599, 1601(P)	C59
1014	226	738, 810	1363	1363	222, 1599, 1601(P)	C60
1016	226	810	1589	1589	222, 1589, 2085, 2249, 2317, 2407(P),	C250
1020	262	746	1145	1145	247, 1158	C22
1023-S	226	746	1433, 1434	1436	222, 1435	
1026	599	781	1658	1658	570, 2096, 2298(P)	C199
1028-S	262	1135			247, 2795	
1033-S2.E	540	781			537, 2795	
1034-S	410	730	1201	1201	391, 1599, 1601(P)	C61
1039-S2	437	746, 1149			409, 2795	
1041-S	410	786	818	826	391, 826, 1869, 2096, 2298(P)	C331
1048-S2	707	786, 1149	1608	1610	698, 1869, 2298(P)	C251
1049-S	567	760	1320	1320	539, 1599, 1601(P)	C62
1055	262	730	798	799	247, 808, 816(P)	C18
1056.E	540				529, 2795	
1058.E	410	746			399, 2795	
1059-S2	707	800	1273	1274	698, 1599, 1601(P)	C63
1061	567	800			539, 2795	
1062	568	810	1724	1724	539, 2096, 2298(P)	C200
1064-S	142		160	160	138, 162(P), 162	C4
1065-S2	437	800, 1147	1188	1197	409, 1197, 1869, 2096, 2298(P)	C427
1066	262	738	1462	1462	247, 1869, 2298(P)	C201
1070	599	750, 1139	1486	1486	570, 1869, 2298(P)	C202
1071-S	410	763, 1147	1579	1584	391, 1584, 1988, 2248, 2298(P)	C241
1074.E	305	757	779	780	287, 779, 785, 799(P), 803	C15
1075-S	666	730	1621	1623	599, 768, 1988, 2248, 2298(P)	C253
1079	727	810			718, 2795	
1082-S	732	810			727, 2795	
1083-S	468	740	1728	1728	437, 1728, 2249, 2317, 2407(P)	C254
1087-S2	314	800, 1149	1636, 1642, 1643, 1644, 1645, 1646, 1647, 1648	1647	304, 1643, 1644, 1645, 1646, 1647, 1649, 2162, 2259, 2314(P)	C363
1089	438				409, 2795	
1091-S	438	750	1261	1262	409, 1599, 1601(P)	C64
1092	707	763	1611	1612	698, 1869, 2298(P)	C198
1094-S.E	727	786, 1150	1591	1594	718, 1594, 1869, 2096, 2298(P)	C203
1095-S	727	805	1389	1391	718, 1390, 1869, 2096, 2298(P)	C204
1099-S.E	666	746	769	769	599, 785, 799(P), 803	C11
1100-S	707	805, 1150			698, 2795	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1101-S	829	1135	1141, 2671	1143, 2672	815, 1142, 1143, 2671, 2718, 2761, 2762(P)	C414
1102-S	829	1135	2483, 2568	2670	815, 2568, 2718, 2761, 2762(P)	C413PV
1105-S2.E	727	763	1274, 1277	1281	718, 1277, 1281, 1870, 2096, 2298(P)	C332
1107-S.E	1141	1957	2459	2460	1140, 2674, 2677(P)	C361
1109-S.E	808	810	886, 1115, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133	1134	803, 1121, 1126, 1130, 1131, 1132, 1134, 2396, 2762, 2762, 2794, 2795(P),	C415PV
1110-S2.E	727	750			718, 2795	
1112-S2.E	410	763, 1150	1479, 1482	1483	399, 1482, 2084, 2085, 2085, 2248, 2298(P)	C284
1114-S2.E	667	827, 1150	1427, 1430	1430	599, 1430, 1870, 2096, 2298(P)	C255
1116-S	540	746	1363	1363	529, 1599, 1601(P)	C65
1120	226	811			222, 2795	
1126.E	707	751	1493	1494	698, 1869, 2298(P)	C205
1130-S.E	438	746, 1150	1318	1319	409, 1319, 1870, 2096, 2298(P)	C256
1133	262	730	1601	1601	247, 1601, 1988, 2248, 2298(P)	C257
1137	410	734, 757	1207	1207	391, 1599, 1601(P)	C66
1138-S.E	305	730	1143	1143	287, 1158	C23
1139-S2.E	667	811, 1150	1534, 1535, 1554	1555	599, 1555, 2258, 2463, 2672(P)	C295PV
1146	410	811	1605	1606	391, 1869, 2298(P)	C206
1147	438	746	1376	1376	409, 1869, 2298(P)	C207
1148-S	568	763	1262	1262	539, 1599, 1601(P)	C67
1149	288	751	1610	1610	287, 1869, 2298(P)	C258
1151-S	540	805	1377	1377	529, 1869, 2298(P)	C208
1155-S	540	740, 1135	1649, 1651, 1652, 1653	1653	529, 1651, 2159, 2160, 2238, 2240, 2240, 2249, 2317, 2407(P), 698, 2795	C296
1158-S	707				698, 2795	
1160-S.E	808		830, 884, 885	885	803, 808, 2438, 2717, 2717, 2760, 2761, 2762(P),	C416PV
1166-S2	540	751, 1139	1241	1241	529, 1599, 1601(P), 1616(P)	C93
1168-S	600	760, 1150			570, 2795	
1169.E	734	751, 811			732, 2795	
1170-S	410	781, 1151	1696, 1697	1697	391, 1697, 2238, 2262, 2458, 2459, 2686, 2761, 2762(P),	C259
1175.E	262	738	1584	1585	247, 1869, 2298(P)	C209
1176	262	731	1217, 1218	1225	247, 1988, 2248, 2298(P)	C442

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1177	568	747	1179	1179	539, 1599, 1601(P)	C68
1187	262	811			247, 2795	
1189-S	410	747			391, 2795	
1190					2795	
1195-S	568	800	1494, 1517, 1518, 2263	1519, 2285	539, 1518, 2238, 2262, 2263, 2284, 2319, 2674, 2677(P),	C428PV
1196-S	667	781	1647, 1648, 1649	1649	599, 2162, 2259, 2314(P)	C297
1197-S	288	827	1202	1203	287, 1202, 1870, 2096, 2298(P)	C210
1198-S	438	760	1267	1268	409, 1599, 1601(P)	C69
1199-S	438	747, 1136	1266	1266	409, 1599, 1601(P)	C70
1207-S.E	735	781			732, 2795	
1208	262	764	1187	1187	247, 1599, 1601(P)	C71
1210-S	438	805	1266	1266	409, 1599, 1601(P)	C72
1212	410				391, 2795	
1216-S2	568	757, 1147	1339, 1340	1342	539, 2162, 2259, 2314(P)	C333
1219.E	540	760	1198	1198	537, 1599, 1608(P)	C73PV
1220	568	800			539, 2795	
1224-S2.E	667	801, 1151	1628, 1630, 1633, 1635	1636	599, 1630, 1633, 1635, 2085, 2285, 2288, 2288, 2674, 2677(P),	C334
1225-S	468	811	1269, 1273	1273	437, 1273, 2162, 2259, 2314(P)	C367
1231-S	540	811			529, 2795	
1239-S	600	747	1376	1376	570, 1869, 2298(P)	C162
1244-S	262				247, 2795	
1247	410	731	799	799	391, 808, 816(P)	C19
1251-S	600				570, 2795	
1252	226	731	1143	1145	222, 1144, 1870, 2096, 2298(P)	C211
1254-S	540	747	1201	1201	529, 1599, 1608(P)	C94
1255	410	828			391, 2795	
1257-S3.E	808	1151	1522, 1529, 1530	1530	803, 1530, 1870, 2259, 2314(P)	C285
1264-S	438	747			409, 2795	
1272-S2	540	757			529, 2795	
1278	540	811			529, 2795	
1279	438	740			409, 2795	
1284-S	468	740	1727	1727	437, 2096, 2298(P)	C163
1285	568				539, 2795	
1290-S	568	751, 1151	1343	1343	539, 1599, 1608(P)	C95
1295-S	568	801	1616	1616	539, 1869, 2298(P)	C212
1296-S2.E	667				599, 2795	
1298-S	468	811	1266	1267	437, 1599, 1608(P)	C96
1301	708	747	2462	2462	698, 2674, 2677(P)	C335
1302-S	468	740	1669	1669	437, 2096, 2298(P)	C213
1303-S2	540	747, 1151	1343	1343	529, 1599, 1608(P)	C97
1304-S2	667	781			599, 2795	
1305	667	812			599, 2795	
1308-S.E	667	758			599, 2795	
1311-S2.E	667	782, 1151	1349	1351	599, 1351, 1870, 2096, 2298(P)	C298

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1318	732	758	1443	1443	727, 1869, 2298(P)	C240
1324-S3.E	600	786, 1152	1612, 2038	1616, 2042	567, 789, 1615, 2038, 2249, 2317, 2407(P),	C336PV
1325-S.E	727	1136	1180	1185	718, 1185, 1870, 2096, 2298(P)	C214
1326-S	541	786, 1152	1585, 2715	1587	529, 1587, 2714, 2715, 2716, 2760, 2794, 2795(P)	C443
1329-S.E	667	751	1391	1391	599, 1869, 2298(P)	C215
1332-S.E	668	764			599, 2795	
1335	410	731			391, 2795	
1341	411	764			391, 2795	
1344-S2	468	758, 1152	1353, 1357	1358	437, 1357, 1870, 2096, 2298(P)	C368
1349	411	758	769	769	391, 468, 785, 799(P), 803	C12
1350-S	438	786	1610	1611	409, 1869, 2298(P)	C216
1354.E	803	1136	1604	1604	803, 1869, 2298(P)	C217
1355-S.E	541	782	1225	1225	529, 1599, 1608(P)	C113
1356-S	411	751	1262	1262	391, 1599, 1608(P)	C98
1360-S	600	764	1200	1201	570, 1599, 1608(P)	C99
1366	411	740	1366	1367	391, 1367, 1870, 2096, 2298(P)	C260
1368	2435				2435, 2795	
1375	469	748	1273	1273	437, 1599, 1608(P)	C100
1377-S	600	805	1352	1353	570, 1353, 1870, 2096, 2298(P)	C218
1379-S.E	668	805	1519, 1521	1522	599, 1521, 1988, 2248, 2298(P)	C261
1380	411	751	1616	1617	391, 1869, 2298(P)	C219
1382	541	812	1342	1342	529, 1599, 1608(P)	C114
1383-S	541	812			529, 2795	
1385	411	734	2254	2254	391, 2463, 2672(P)	C337
1391-S2.E	541	748, 1152	1382	1389	537, 1389, 1870, 2096, 2298(P)	C369PV
1394-S2	469	758, 1152	1660, 1666, 1668	1669	437, 567, 1668, 1669, 2162, 2259, 2314(P)	C324
1397	469	764			437, 2795	
1399-S	411	738	769	769	391, 785, 799(P), 803	C13
1401-S2.E	668	1375	1436	1442	599, 1442	
1403-S	438	801	1342	1342	409, 1600, 1608(P)	C101
1406-S	469	764, 2437	2675, 2676		437, 2676, 2718, 2761, 2762(P),	C338
1408	439	740	1187	1187	409, 1600, 1608(P)	C102
1412	411	748	816	817	391, 1140, 1145(P)	C25
1413	568	741			539, 2795	
1415-S	600	1152	1617	1617	570, 1869, 2298(P)	C220
1423	708				698, 2795	
1424-S2	469	782, 1153	1414	1415	437, 1415, 1870, 2096, 2298(P)	C221
1426	568	741	1200	1200	539, 1600, 1608(P)	C103
1428-S.E	262	764	1174	1178	247, 1178, 1870, 2096, 2298(P)	C222
1429	439	812	1263	1263	409, 1600, 1608(P)	C115
1430-S	569	801	1389	1389	539, 1869, 2298(P)	C164
1431	569	731	1145	1145	539, 1158	C26

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1432	600	760	1185	1185	570, 1600, 1608(P)	C104
1436-S	728	1136	1458	1459	718, 1458, 2258, 2463, 2672(P)	C262
1440-S.E	541	786	1203	1204	537, 1203, 1600, 1616(P)	C105
1441	732	805			727, 2795	
1444-S2	469	764, 1147	1486, 1493	1493	437, 1493, 1870, 2259, 2314(P)	C286
1448-S2	439	801, 1153	1585	1585	409, 1869, 2298(P)	C223
1449	569	748	1574	1574	539, 1869, 2298(P)	C224
1450-S.E	728	805	1725	1725	718, 2096, 2298(P)	C299
1453-S.E	541	806, 1147			537, 544, 2795	
1462	469	787	1391	1392	437, 1392, 2162, 2259, 2314(P)	C339
1465.E	728	787	1217, 1596, 1597, 1598, 1724	1724	718, 1217, 1596, 1598, 1724, 1724, 2162, 2259, 2314(P)	C244
1469-S	541	764	1265	1266	529, 1600, 1616(P)	C106
1476-S	668	751, 812	1358	1359	599, 1359, 2162, 2259, 2314(P)	C340
1480-S	541	765	1611	1611	529, 1869, 2298(P)	C225
1485-S	412	734	1173	1173	391, 1600, 1616(P)	C107
1486	226	765	1723	1723	222, 2096, 2298(P)	C165
1490	227	731	1210	1210	222, 1600, 1616(P)	C108
1497-S2	469	748	770	770	437, 785, 799(P), 803	C14
1498-S3	600	765, 1153			570, 2795	
1499	569	751	1725	1726, 2262	539, 2261, 2262, 2463, 2672(P)	C341
1504-S.E	735	787, 1136, 1153	1697, 1720, 1721, 2374	1721, 2396	732, 1721, 2373, 2396, 2483,	
1505	541	812	1601	1604	529, 1603, 2162, 2259, 2314(P)	C300
1510-S.E	735	765	1766	1767	732	
1512-S	728	752	1198	1198	718, 1600, 1616(P)	C109
1516	439	812	1457	1457	409, 1869, 2298(P)	C226
1517-S2.E	541	752, 1139	1321	1336	529, 1336, 1870, 2096, 2298(P)	C263
1520-S	412	734			391, 2795	
1523-S2.E	668	812, 1147			599, 2795	
1528-S2	469	806, 1153	1606	1607	437, 567, 1607, 1870, 2096, 2298(P)	C264
1529-S	412	806			391, 468, 2795	
1531-S	412	752	1469	1469	391, 1869, 2298(P)	C227
1532-S	542	752	1174	1174	529, 1600, 1616(P)	C110
1533	288	765	1574	1574	287, 1869, 2298(P)	C228
1534	412	758, 1139	1242	1242	391, 468, 1600, 1616(P)	C116
1537	708	782	1591	1591	698, 1869, 2298(P)	C229
1543-S2.E	542	765, 1153	1574	1579	529, 1579, 1870, 2096, 2236(P)	C166
1545-S	708	758	1604, 1605	1605	698, 1869, 2298(P)	C167
1548	600				570, 2795	
1554	439	801	1372	1372	409, 1600, 1616(P)	C111
1557-S.E	708	765	1519	1519	698, 1869, 2298(P)	C370
1561	439	787	1207	1210	409, 1210, 1870, 2096, 2236(P)	C429

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1563.E	412	765	1317	1317	399, 1600, 1616(P)	C112
1564.E	668	748, 1153	1483	1486	599, 1485, 2162, 2259, 2314(P)	C301
1565-S.E	439	752			409, 2795	
1568	412	782	1206	1207	391, 1600, 1616(P)	C117
1569-S.E	708	741, 765	1579	1579	698, 1869, 2298(P)	C265
1575-S	708	787	1282, 1290, 1295, 1297, 1301, 1305, 1306, 1307, 1308	1360, 1361	698, 1295, 1297, 1301, 1305, 1306, 1307, 1308, 1309, 1360, 1360, 1870, 2096, 2301(P)	C230
1576-S	469				437, 2795	
1577-S	439	748	817	817	409, 1140, 1145(P)	C27
1578-S.E	600	766, 1148	1313, 1316	1316	567, 1316, 1870, 2259, 2314(P)	C289
1579-S2	569	812, 1148	1212	1217	539, 1216, 1870, 2096, 2301(P)	C290PV
1580-S2	569				539, 2795	
1582-S.E	728	828, 1153	1767, 1768, 1774	1775	718, 1774, 1775, 2162, 2259, 2314(P)	C342
1583	668	766			599, 2795	
1584.E	601	748	1179	1179	567, 1600, 1616(P)	C118
1587-S	439	752, 1154	1530	1532	409, 1532, 1870, 2096, 2236(P)	C168
1589	542	812	1376	1376	529, 1869, 2301(P)	C231
1593-S2.E	735	806, 1154	1778	1779	732, 738, 1658, 1778, 1779, 2249, 2317, 2407(P)	C323
1594-S	569	787	1180	1180	539, 1600, 1616(P)	C119
1595-S	439				409, 2795	
1599-S2.E	668	760, 1154	1555, 1572	1572	599, 1572, 1988, 2248, 2301(P)	C252
1602-S	412	752	1463	1469	391, 1469, 1870, 2096, 2301(P)	C371
1603-S2	569	752, 1154	1532	1534	539, 1534, 1870, 2096, 2301(P)	C343
1604	439	758	1377	1377	409, 1869, 2301(P)	C266
1605-S	469	752, 1139	1359	1360	437, 1600, 1616(P)	C120
1607-S	601	787	1470	1471	570, 1869, 2301(P)	C267
1621-S	542	758	1317	1317	529, 1600, 1616(P)	C121
1622-S.E	728	813, 1154			718, 2795	
1633-S	412				391, 2795	
1634	668	766	818	818	599, 1140, 1145(P)	C28
1638.E	542	813	1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785	1786	537, 1783, 1784, 1785, 2162, 2259, 2314(P)	C362PV
1643-S.E	542	748	1201	1202	529, 1600, 1616(P)	C122
1644-S	440				409, 2795	
1646-S2.E	542	782, 1154	1471, 1478	1478	537, 1478, 1870, 2096, 2301(P)	C322
1647	542	749	1172	1173	529, 1600, 1616(P)	C123
1652-S	2299	2437	2460	2460	2289, 2674, 2677(P)	C344
1657	412	760	1179	1179	391, 1600, 1616(P)	C124
1658-S	542	813	1343, 1344	1345	529, 1319, 1870, 2096, 2301(P)	C268
1660-	728	806, 1155			718, 2795	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
S2.E						
1661-S	728	1136			718, 2795	
1667-S.E	668	782, 1155	2255, 2257	2257	599, 2257, 2319, 2674, 2677(P)	C372
1668-S2	470	813, 1155	1617	1621	437, 1621, 1870, 2096, 2301(P)	C302
1670	470				437, 2795	
1672	412	787	1204	1206	391, 1206, 1870, 2096, 2301(P)	C169
1673	708	782	1203	1203	698, 1600, 1616(P)	C125
1674	569				539, 2795	
1676	601				570, 2795	
1686-S	601	813			570, 2795	
1688	440	782, 1136	1312	1312	409, 1600, 1616(P)	C126
1692-S.E	601	806, 1148	1590	1591	567, 1591, 1988, 2248, 2301(P)	C373
1696-S.E	668	787	1345, 1346, 2237	1347, 2238	599, 1346, 2237, 2301, 2463, 2672(P),	C345
1702	440	813			409, 2795	
1706.E	708	806	1347, 1348, 1659	1659	698, 1348, 1659, 1659, 2162, 2259, 2314(P)	C374
1707	733				727, 2795	
1713-S2	470	749, 1136	1371	1371	437, 1600, 1616(P)	C127
1714	440	782	1728	1729	409, 2096, 2301(P)	C269
1715-S	542	813			529, 2795	
1723-S.E	542				537, 2795	
1724-S	440	741	1372	1373	409, 1372, 1870, 2096, 2301(P)	C375
1725-S2	708				698, 2796	
1726	440	760	1457	1457	409, 1869, 2301(P)	C270
1727	708	788	1263, 1264	1264	698, 1264, 1870, 2096, 2301(P)	C376
1730	412	752	1469, 1470	1470	391, 816, 1470, 1870, 2096, 2301(P)	C377
1732-S.E	601	788	1159, 1160	1172	567, 1172, 1870, 2096, 2301(P)	C271
1734-S	708	783	1697	1697	698, 2096, 2301(P)	C272
1739-S	440	788	1623	1623	409, 2162, 2259, 2314(P)	C243
1742-S	440	788	1231	1234	409, 1600, 1616(P)	C128
1743	412	738	771	772	391, 771, 1141, 1158	C29
1746-S	733	788	1367	1371	727, 1371, 1870, 2096, 2308(P)	C273
1747-S.E	735				732, 2796	
1753	601	801	1573	1573	570, 1869, 2308(P)	C303
1755	440	783			409, 2796	
1756.E	542	788	1186	1187	537, 1187, 1988, 2248, 2308(P)	C304
1764-S	440	731	817	817	409, 1140, 1145(P)	C30
1767-S2	542	806, 1155	1721, 1723	1723	529, 707, 1723, 2249, 2317, 2407(P)	C378
1768-S.E	543	806, 1155	1729, 1747, 2463	1766, 2482, 2483	537, 707, 807, 1747, 2463, 2718, 2761, 2762(P),	C444
1769-S	569	813			539, 2796	
1772-S.E	728	828	1363, 1364	1365	718, 1365, 1870,	C170

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					2096, 2308(P)	
1776-S2	728				718, 2796	
1777.E	668	761	818	818	599, 1140, 1145(P)	C31
1784-S2	733	813, 1155	1624	1628	727, 1627, 1870, 2096, 2308(P)	C305
1786-S	470	788	1415, 1416, 1426, 1427	1427	437, 1427, 2162, 2259, 2314(P)	C245
1788-S.E	601	788	1235, 1236	1236	567, 1236	
1789.E	2289		2407	2407	2258, 2674, 2677(P)	C417
1791-S	543				529, 2796	
1792	569	731, 813	1594, 1595	1595	539, 1988, 2248, 2308(P)	C379
1793-S.E	1655	2317			1608, 2796	
1794-S.E	601	788	1395	1395	567, 1869, 2308(P)	C380
1798-S	569	788	1240	1241	539, 1241, 1870, 2096, 2308(P)	C346
1799-S.E	440				409, 2796	
1801.E	543	741	1268	1268	537, 1600, 1616(P)	C129
1803	440	783	1210, 1211	1212	409, 1211, 1870, 2096, 2308(P)	C274
1813-S.E	669	806, 1155			599, 2796	
1817-S.E	543	789	1226, 1227, 1228, 1229, 1230	1230	529, 1228, 1230, 1870, 2097, 2236(P)	C306
1826-S	440	807, 1139			409, 567, 807, 2796	
1829	470	753, 1140			437, 2796	
1836-S	543				529, 2796	
1838	669				599, 2796	
1839-S.E	708	2437	2460, 2462	2462	698, 2462, 2689, 2761, 2762(P)	C347
1841	733	814	1775, 1777		727, 1777, 2796	
1846.E	543	1137	1319	1320	529, 1600, 1616(P)	C130
1847-S	441	753			409, 2796	
1849-S.E	729	814	1267	1267	718, 1600, 1616(P)	C131
1852	441	731	816	816	409, 1140, 1145(P)	C32
1856-S	601	761	1604	1604	570, 1869, 2308(P)	C307
1865-S	601	761	1573	1574	570, 1869, 2308(P)	C308
1866	470	807	1338	1338	437, 1600, 1616(P)	Vetoed
1869-S	441				409, 2796	
1870-S	413	749	772, 778	779	391, 778, 808, 1140, 1145(P)	C33
1873-S2.E	2435	2673	2766, 2767, 2780		2435, 2780, 2792, 2794, 2795, 2795(P)	C445
1874-S2.E	709	807, 1156	1443, 1454	1455	699, 1455, 2163, 2259, 2314(P)	C381
1879-S.E	669	814	1336	1338	599, 1338, 1870, 2097, 2236(P)	C171
1880-S.E	709	807			699, 1319, 2796	
1893-S2	543	783, 1156	1656, 1657, 1658	1658	529, 1658, 2258, 2463, 2672(P)	C407
1900	709	753	1242	1261	699, 1261, 1870, 2097, 2236(P)	C172
1901	543	749	1459	1459	529, 1869, 2308(P)	C173
1906	441	666	736	736	409, 739, 743(P)	C10
1907-S2	601	807	1669, 1693	1696	570, 707, 1696, 2249, 2317, 2407(P)	C446
1908	570	801	1348	1348	539, 1600, 1616(P)	C132

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1909-S	543	766	826	827	529, 1140, 1145(P)	C34
1912.E	543	741			537, 2796	
1913	413	741, 1137	1268	1269	391, 1600, 1616(P)	C133
1916-S.E	413	789, 1140	1382	1382	399, 1869, 2308(P)	C275
1917-S	729	814	1377	1377	718, 1869, 2308(P)	C382
1918	669	766	1391	1391	599, 1869, 2308(P)	C447
1919-S	413	753	792	794	391, 793, 1870, 2097, 2236(P)	C174
1923-S2.E	735	807, 1156	1396, 1402, 1408, 1413, 1414, 2042	1414, 2048	732, 1402, 1408, 1414, 2042, 2249, 2317, 2407(P),	C348
1930-S	570	741	1320	1320	539, 1600, 1616(P)	C134
1931-S	543	741, 1140	1459	1459	529, 1869, 2308(P)	C430
1934	543	814	1345	1345	529, 1600, 1616(P)	C135
1949-S	543	753	817	817	529, 1140, 1145(P)	C35
1952	544				529, 2796	
1953-S	570	814	1265	1265	539, 1265, 1870, 2097, 2236(P)	C175
1966-S.E	729				718, 2796	
1973-S2	470	783, 1156	1455, 1456	1457	437, 1457, 1870, 2097, 2236(P)	C176
1980	470	742	1261	1261	437, 1261, 1600, 1616(P)	C136
1994-S.E	729	749	1217	1217	718, 1600, 1616(P)	C137
1996.E	735	828	1377, 1378	1381	732, 1381, 1870, 2097, 2236(P)	C177
1997-S.E	803	1156			803, 804, 2796	
1998-S.E	544	814, 1156			537, 1777, 2796	
2008	441	759			409, 2796	
2009.E	1868				1790, 2796	
2015-S.E	1238		2250	2254	1173, 1900, 2254, 2301, 2463, 2672(P)	C448
2018-S.E	602	807, 1157	1595, 1596	1596	567, 1596, 1988, 2249, 2308(P)	C383
2020.E	544	801	1588	1589	537, 1588, 2439, 2689, 2761, 2762(P),	C349
2024-S	729	1157	2254	2254	718, 2463, 2672(P)	C350
2033	709				699, 2796	
2035	570	801	2257	2258	539, 2463, 2672(P)	C449
2038	602	783	1146	1146	570, 1158	C36
2040	470	807			437, 2796	
2042-S2.E	2161	2248	2718, 2730, 2743		2161, 2730, 2743, 2760, 2794, 2795(P)	C287
2044-S	441	731	1367	1367	409, 1600, 1616(P)	C138
2049-S	602	753	794	798	570, 797, 1988, 2249, 2308(P)	C276
2050-S.E	735				732, 2796	
2051	669	742			599, 2796	
2052	544	789, 1157	1392	1395	529, 1395, 1988, 2249, 2308(P)	C277
2058	733	828	1267	1267	727, 1600, 1616(P)	C139
2062	733	828	1381	1382	727, 1869, 2308(P)	C384
2066.E	602	814, 1157			567, 814, 2796	
2067.E	544	1137	1459	1461	529, 1461, 2249, 2317, 2407(P)	C278
2072	470	742	799	799	437, 808, 816(P)	C20
2075	733				727, 2796	

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2085	733				727, 2796	
2097-S.E	709	828, 1157	1726, 1727	1727	699, 1727, 2258, 2463, 2672(P)	C450
2108-S	470	783			437, 2796	
2110	470	761			437, 2796	
2119	570	1137	1471	1471	539, 1869, 2308(P)	C309
2129	470				437, 2796	
2140-S.E	2435	2673	2708	2714	2435, 2714, 2760, 2794, 2795(P), 2795,	C411
2144	1655	1867	2236	2237	1599, 1900, 2317, 2407(P)	C366
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State Agency / Commission / Task Force	Report Title	Submitted Pursuant To	Report Date	
Children, Youth, and Families, Department of	<i>Addressing Foster Parent Complaints and Concerns</i>	House Bill No. 1661	11/28/2018	
	<i>Achieving Educational Success for Washington's Children, Youth and Young Adults in Foster Care and/or Experiencing Homelessness</i>	Engrossed Substitute Senate Bill No. 6032	01/29/2019	
	<i>Caseload Forecast and Licensed Foster Home Capacity</i>	Engrossed House Bill No. 2008	12/01/2018	
	<i>Behavioral Rehabilitation Services Increase Utilization Incentive Payments</i>	Engrossed Substitute Senate Bill No. 6032	01/01/2019	
	<i>Behavioral Rehabilitation Services Rate Study</i>	Engrossed House Bill No. 2008	12/01/2018	
	<i>Foster Parent and Adoptive Home Recruitments Report for 2018</i>	74.13.031 RCW	02/01/2019	
	<i>Child Fatality Report, July - September 2018</i>	74.13.640 RCW	12/31/2018	
	<i>Network Administrator Procurement Efforts, 2018 Update</i>	43.216.015 RCW	01/01/2019	
	Commerce, Department of	<i>Criminal Penalty Fees Related to Sexual Exploitation Crimes, Fiscal Year 2018 Report</i>	43.280.100 RCW	03/01/2019
		<i>Inventory of State-Owned Real Properties and Recommendations</i>	43.63A.510 RCW	12/01/2018
<i>Quixote Village -- From Tent City to Tiny Home Village: Five-Year Report to the Washington State Legislature on Costs and Outcomes</i>		Engrossed Senate Bill No. 6074	12/10/2018	
<i>Impact Fee Deferral Report</i>		43.31.980 RCW	03/01/2019	
<i>Foreclosure Fairness Program Annual Report 2019</i>		61.24.163 RCW	02/28/2019	
<i>Unreinforced Masonry Building Inventory</i>		Engrossed Substitute Senate Bill No. 6095	10/31/2018	
<i>Vulnerable Youth Guardianship</i>		Substitute House Bill No. 1988	01/01/2019	
<i>Stormwater Community Based Public-Private Partnership Feasibility Assessment</i>		Engrossed Substitute Senate Bill No. 6095	12/15/2018	
<i>Rural Procurement, the Impact of</i>		Substitute Senate Bill No. 5883	10/31/2018	
<i>Seattle Vocational Institute Adaptive Reuse Study, Final Report</i>		Engrossed Substitute Senate Bill No. 6095	10/19/2018	
Commerce, Department of		<i>Electric Utility Resource Planning, 2018 Report</i>	19.280 RCW	12/01/2018
		<i>Financial Fraud and Identity Theft Investigation and Prosecution Program, Progress Report on Task Force and Recommendations</i>	43.330.300 RCW	12/31/2018
		<i>Promoting Renewable Natural Gas in Washington State</i>	Engrossed Substitute House Bill No. 2580	12/01/2018
	<i>Associate Development Organizations, 2017-2018 Report</i>	43.330.082 RCW	12/31/2018	

	<i>2019 Biennial Energy Report: Issues, Analysis and Updates</i>	43.21F.045 RCW	12/01/2018
	<i>Homelessness in Washington State, 2018 Annual Report to the Legislature</i>	43.185C RCW	12/01/2018
	<i>Ultra-Efficient Affordable Housing Demonstration</i>	Second Engrossed House Bill No. 1115	12/01/2018
	<i>Innovation Partnership Zone Program, 2018 Biennial Report</i>	43.330.270 RCW	12/01/2018
Conservation Commission, Washington State	<i>Food Policy Forum, 2018 Report</i>	Second Engrossed Substitute House Bill No. 2376	02/01/2019
Corrections, Department of	<i>Staff Safety, 2018 Report</i>	72.09.680 RCW	12/01/2018
Early Achievers Program, Joint Select Committee on the	<i>Report to the Legislature</i>	Second Engrossed Second Substitute House Bill No. 1491	01/01/2019
Ecology, Department of	<i>Columbia River Basin Water Supply Inventory Report, 2018</i>	90.90.040 RCW	01/18/2019
	<i>Reducing Greenhouse Gas Emissions in Washington State Government</i>	70.235.060 RCW	01/01/2019
	<i>Cannabis Laboratory Accreditation Recommendations</i>	Engrossed Substitute Senate Bill No. 6032	01/01/2019
	<i>Floodplains by Design</i>	Engrossed Substitute Senate Bill No. 6095	02/28/2019
	<i>Average Time to Complete Environmental Impact Statements (EIS)</i>	43.21C.031 RCW	12/31/2018
Financial Management, Office of	<i>Single Audit Report for Fiscal Year ending June 30, 2018</i>	43.88.160 RCW	03/28/2019
	<i>One Washington Quarterly Report, October - December 2018</i>	Substitute Senate Bill No. 5883	02/01/2019
	<i>Behavioral Health Capital Funding Prioritization and Feasibility Study for 2018</i>	Engrossed Substitute Senate Bill No. 6095	01/01/2019
	<i>All Payer Claims Database Grants, July - December 2018</i>	43.371.080 RCW	01/02/2019
Health Care Authority	<i>Retired and Disabled School Employees Risk Pool Analysis</i>	41.05.022 RCW	12/15/2018
	<i>Medicaid Financing and Home Visiting Services, Recommendations to Leverage Medicaid Funding for Home Visiting</i>	Engrossed Second Substitute House Bill No. 2779	01/08/2019
	<i>Medicaid Managed Dental Care Annual Report</i>	Engrossed Substitute Senate Bill No. 6032	01/31/2019
	<i>Medicaid Transformation Project (MTP) Demonstration, Section 1115 Waiver Quarterly Report for October - December 2018</i>	Substitute Senate Bill No. 5883	03/13/2019
	<i>Adding Behavioral Health Services to the State Plan</i>	Engrossed Substitute Senate Bill No. 6032	03/05/2019
Health, Department of	<i>Streamlining Military and Military-Affiliated Licensing</i>	18.340 RCW	12/31/2018
	<i>Suicide Education Study, 2018 Report</i>	43.70.443 RCW	11/15/2018

	<i>Long-Term Care Workforce Development</i>	Engrossed Substitute Senate Bill No. 6032	12/01/2018
Labor and Industries, Department of	<i>Farm Internship Pilot Project 2018 Report</i>	49.12.470 RCW	12/31/2018
	<i>Prevailing Wage Determinations, Fiscal Year 2018 Report</i>	39.12 RCW	12/31/2018
	<i>Wage, Child Labor and Protected Leave Investigations, 2018 Report</i>	49.12.180 RCW	12/01/2018
	<i>Underground Economy Benchmark Report for 2018</i>	18.27.800 RCW	12/01/2018
Military Department	<i>Enhanced 911 Advisory Committee 2018 Annual Legislative Update</i>	38.52.532 RCW	02/04/2019
Minority and Women's Business Enterprises, Office of	<i>Annual Report, Fiscal Year 2018</i>	39.19.030 RCW	04/01/2019
Natural Resources, Department of	<i>Marbled Murrelet Solutions Table</i>	43.30.582 RCW	12/01/2018
	<i>An Assessment of Options to Replace Timber Trust Revenues for Counties</i>	Engrossed Substitute Senate Bill No. 6095	12/15/2018
Public Instruction, Office of the Superintendent of	<i>Transportation Contracting In Washington, 2018</i>	Engrossed Substitute Senate Bill No. 6032	02/15/2019
	<i>Financial Education Public-Private Partnership, 2017-18</i>	28A.300.460 RCW	12/01/2018
	<i>Collaborative Schools for Innovation and Success, 2018 Report</i>	28A.630.106 RCW	12/01/2018
	<i>Civics Education -- Demonstration Sites</i>	28A.630.106 RCW	12/01/2018
Public Instruction, Office of the Superintendent of	<i>Promoting Pre-Apprenticeship Opportunities for High School Students</i>	28A.300.900 RCW	11/30/2018
	<i>Academic, Mentoring, and Innovation Program</i>	28A.215.080 RCW	12/01/2018
	<i>Recommendations for Providing Career and Technical Education through Alternative Learning Experiences</i>	Engrossed Substitute Senate Bill No. 6032	12/01/2018
	<i>Combined FTE Experience of Students Participating in Running Start</i>	Engrossed Substitute Senate Bill No. 6032	12/01/2018
	<i>Homeless Students Data, 2018 Update</i>	28A.300.540 RCW	01/10/2019
	<i>Truancy Report, 2018 Update</i>	28A.225.151 RCW	12/15/2018
	<i>LAP Growth Data, 2018 Update</i>	28A.165.100 RCW	12/01/2018
	<i>The State of Native Education, 2018 Update</i>	28A.300.105 RCW	12/01/2018
	<i>School Day Task Force Report</i>	Senate Bill No. 6362	12/01/2018
Salmon Recovery, Governor's Office of	<i>Saving Salmon for the Future: 2018 State of Salmon in Watersheds, Executive Summary</i>	77.85.020 RCW	12/31/2018
Sexual Assault Forensic Examination Best Practices Task Force	<i>2018 Annual Report to the Legislature and Governor</i>	Substitute House Bill No. 1068	01/11/2019
Social & Health Services, Department of	<i>State Psychiatric Hospital Forensic and Civil Bed Need Models</i>	Engrossed Substitute Senate Bill No. 6032	11/30/2018

	<i>Predicting Referrals for Competency Evaluation</i>	Engrossed Substitute Senate Bill No. 6032	12/01/2018
	<i>Overnight Adult Planned Respite</i>	Engrossed Substitute Senate Bill No. 6052	01/04/2019
	<i>Temporary Assistane for Needy Families, Pre-2011 WorkFirst Policies</i>	Engrossed Substitute Senate Bill No. 6032	12/01/2018
	<i>WorkFirst Spending Plan Monitoring Report, 1st Quarter State Fiscal Year 2019, as of September 30, 2018</i>	74.08A.341 RCW	09/30/2018
	<i>Kinship Care Oversight Committee 2018 Report</i>	74.13.621 RCW	12/01/2018
	<i>Naturalization Services -- 2018 Report</i>	Engrossed Substitute Senate Bill No. 6032	12/01/2018
	<i>Resources to Initiate Successful Employment (RISE), Preliminary Report</i>	Engrossed Substitute Senate Bill No. 6032	01/01/2019
	<i>WorkFirst Maintenance of Effort and Work Participation Rate, April - June 2018</i>	Engrossed Substitute Senate Bill No. 6032	01/01/2019
Social & Health Services, Department of	<i>Implementing Automatic Voter Registration</i>	Engrossed Second Substitute House Bill No. 2595	12/01/2018
	<i>WorkFirst Wage Progression Report through First Quarter 2018</i>	74.08A.411 RCW	01/01/2019
	<i>Western State Hospital - City of Lakewood Community Policing Program</i>	Substitute Senate Bill No. 5883	12/01/2018
	<i>Child Fatality Report, April - June 2018</i>	74.13.640 RCW	01/31/2019
	<i>Child Fatality Report, July - September 2018</i>	74.13.640 RCW	12/31/2018
	<i>Violations, Penalties, and Actions Relating to Persons on Conditional Release to a Less Restrictive Placement, 2018 Report</i>	71.09.325 RCW	10/01/2018
	<i>Refugee and Immigrant Employment Services, 2018 Report</i>	Engrossed Substitute Senate Bill No. 6032	01/01/2019
	<i>Forensic Admissions and Evaluations - Performance Targets 2018 Third Quarter (July 1, 2018 - September 30, 2018)</i>	10.77.068 RCW	12/20/2018
	<i>Timeliness of Services Related to Competency to Proceed or Stand Trial - 2018 Annual Report (October 2017 - September 2018)</i>	10.77.068 RCW	12/21/2018
	<i>Workfirst Spening Plan Monitoring Report, 2nd Quarter State Fiscal Year 2019, as of December 31, 2018</i>	74.08A.341 RCW	12/31/2018
Transportation, Department of	<i>Grant Programs Advisory Committee Report for 2018</i>	47.66.080 RCW	03/01/2019
	<i>Toll Division Proviso Report, October - December 2018</i>	Engrossed Substitute Senate Bill No. 6106	03/15/2019

	<i>Coordination of Transportation Services in South Pierce County and North Thurston County</i>	Engrossed Substitute Senate Bill No. 6106	03/13/2019
	<i>Local Governments Determination on Permits</i>	47.01.485 RCW	02/01/2019
	<i>Violations of Environmental Permits and Regulations for State Highway Projects</i>	47.85.040 RCW	02/28/2019
	<i>Studded Tires Campaign, 2019 Legislative Update</i>	Engrossed Substitute Senate Bill No. 6106	02/14/2019
	<i>Kingsgate Park-and-Ride Transit-Oriented Development Feasibility Study</i>	Engrossed Senate Bill No. 5096	11/30/2018
Transportation, Department of	<i>Capital Projects and Nickel/TPA Projects Quarterly Reports - 2017-2019 Biennium Quarter 6</i>	Engrossed Senate Bill No. 5096	02/15/2019
	<i>Fund Transfers Report, October - December 2018</i>	Engrossed Substitute Senate Bill No. 6106	02/15/2019
	<i>Fund Transfers Report (Nickel and TPA Accounts), October - December 2018</i>	Engrossed Substitute Senate Bill No. 6106	02/15/2019
	<i>Modular Expansion Joint Noise Mitigation Study</i>	Engrossed Substitute Senate Bill No. 6106	01/14/2019
	<i>Ferries Division - Fiscal Year 2018 Performance Report</i>	47.64.360 RCW	12/31/2018
Veterans Affairs, Department of	<i>Veterans Peer Corps</i>	Senate Bill No. 5849	12/31/2018
Workforce Training and Education Coordinating Board	<i>Future of Work Task Force Plan of Action for 2019: Exploring and Developing Policies to "Future Proof" Washington's Workers and Businesses</i>	Substitute Senate Bill No. 6544	12/28/2018

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 Natural resources, department of, significant actions by: SB 5241
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 Small business regulatory agencies, creating small business bill of rights: SB 5948

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 Liquor licenses, retail licensee events online promotion: SB 5394
 Marijuana businesses, billboards: SB 5785, SB 5985
 Marijuana businesses, outdoor advertising at stadium or raceway, when: SB 5969
 Marijuana businesses, signage and advertising: SB 5201, SB 5985
 Pharmaceuticals, sale of advertising for, B&O tax surcharge, revenue use: SB 5659
 Political, requirements for political committees: ***ESHB 1379, CH 261 (2019)**
 Political, top five contributors and top three donors requirements: ***ESHB 1379, CH 261 (2019)**
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 Aircraft, electric aircraft work group, reconvening to conduct study: HB 1397
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 Apiarists, civil liability: ***HB 1133, CH 257 (2019)**
 Beekeeping, apiaries, state map of locations of: SB 5552
 Beekeeping, apiarists and apiaries, civil liability: ***HB 1133, CH 257 (2019)**
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 Career and technical education, agriculture career-connected learning within: SB 5804
 China, long-term trade agreement with, requesting work toward: SJM 8011
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 Eggs and egg products, regulation and restrictions: ***SHB 2049, CH 276 (2019)**
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 Fairs, state retail sales tax on sales at, deposit of: SB 5277
 Fairs, with special occasion alcohol licenses: SB 5109
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 Greenhouse gas emissions, electric zero emission vehicle program: SB 5336
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Substance use disorder, health care for, as sensitive health care services: SB 5889
 Substance use disorder, health carrier network access standards: ***ESHB 1099, CH 11 (2019)**
 Substance use disorder, peer counselor certification program: ***2SHB 1907, CH 446 (2019)**, SB 5055
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 Substance use disorder, secure withdrawal management and stabilization facilities: ***2SHB 1907, CH 446 (2019)**
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 Licenses, restaurant, customer recorked/recapped sake removal from premises: ***HB 1672, CH 169 (2019)**
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 Soju, restaurant licenses endorsement: ***SHB 1034, CH 61 (2019)**, SB 5020
 Spirits, craft distillery product sales by legislative gift center: SB 5059
 Wine, Washington wine special license plates, creating: ESHB 2050
 Wineries, domestic, customer recorked/recapped wine removal from premises: ***HB 1672, CH 169 (2019)**
 Wineries, domestic, production-related work by student interns: ***EHB 1563, CH 112 (2019)**
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 Electric vessels, retail sales and use tax exemptions, when: ***E2SHB 2042, CH 287 (2019)**
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 Tiny houses, and tiny houses with wheels, international residential code: SB 5383

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Entities, crimes committed by, fines/legal financial obligations: ***HB 1252, CH 211 (2019)**

Entities, gender of directors on board of, reporting: SB 5142

Entities, marijuana business or nonprofit, licensing and residency: SB 5202, SB 5409

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Adult entertainment establishments, entertainer safety and advisory committee: ***EHB 1756, CH 304 (2019)**, SB 5724

Adult entertainment venues, endangering persons with dwarfism, prohibiting: SB 5486

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Bags, retail carryout, standards: SB 5323

Barber shops, inapplicability of "employment" for certain barbers: SB 5326

Building business ecosystems act, building business ecosystems area financing: SB 5564

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Food service businesses, worker schedule requirements: SB 5717

Gas stations, motor fuel pumps, fuel tax sticker for display on: SHB 1633

Gift cards and certificates, provisions: ***HB 1727, CH 376 (2019)**

Heavy equipment rental property dealers, property tax exemption for: SB 5628

Hospitality businesses, worker schedule requirements: SB 5717

Hospitality industry, opportunities for employment in hospitality grant: SB 5808

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Lodging, short-term rental operators and platforms, requirements: ***SHB 1798, CH 346 (2019)**, SB 5870

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New businesses, B&O tax credit: SB 5619

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Noncompetition covenants, enforceable or unenforceable, when: ***ESHB 1450, CH 299 (2019)**, SB 5478

Office space, commercial, development tax incentives: ***SHB 1746, CH 273 (2019)**, SB 5051

Permanent cosmetics businesses, licensing and regulation: SHB 1158

Personal information, possessed by businesses, security breaches: ***SHB 1071, CH 241 (2019)**, SB 5064

Pet stores, selling dog or cat in, requirements and alternatives: SB 5209
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 Restaurants, diaper-changing stations: SB 5156
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 Security companies, guard use of force with firearm discharge, reporting: SB 5916
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 Signatures/messages, electronic, repealing electronic authentication act: ***HB 1908, CH 132 (2019)**, SB 5501
 Small business enterprise enforceable goals program, for ferry vessel procurement: ***ESHB 2161, CH 431 (2019)**
 Small, bill of rights for small businesses, regulatory agencies to create and post: SB 5948
 Small, fairer system for, single low flat B&O tax rate for all businesses: SB 5994
 Theaters, liquor licenses for, requirements: SB 5643
 Ticket resellers, licensing and regulation: SB 5321
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 Community and technical college students, child care access: ***2SHB 1303, CH 97 (2019)**, SB 5341
 Early achievers program, improvements to: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484
 Early achievers program, joint select committee on, recommendations: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484
 Firearms, possession on center premises, prohibitions: SB 5434
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 Providers, licensing of, education equivalencies: SB 5711
 State employees, child care access and affordability survey: ***2SHB 1344, CH 368 (2019)**
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 Washington, child care industry in, regional assessment: ***2SHB 1344, CH 368 (2019)**
 Working connections program, consumer income and copay requirements: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484
 Working connections program, homeless children, eligibility for: SB 5820
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Center for deaf and hard of hearing youth, changing center name to: ***HB 1604, CH 266 (2019)**

CHILDREN (See also CHILD CARE; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; DOMESTIC RELATIONS; ELECTIONS; FOSTER CARE; HEALTH AND SAFETY, PUBLIC; JUVENILE COURT AND JUVENILE OFFENDERS; PUBLIC ASSISTANCE; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS; SPORTS AND RECREATION)

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 Abuse or neglect, health care faith-based practices exemption, when: SB 5749
 Abuse or neglect, investigation by multidisciplinary child protection teams: SHB 1595, SB 5461
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 Child welfare housing assistance program and stakeholder group, establishing: SB 5718
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 Child welfare, legislative bills concerning, fiscal notes to include fiscal impact: SB 5636
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 Endangerment of child, with controlled substance, adding fentanyl to crime of: SB 6022
 Motor vehicle child restraint systems, requirements and information: ***SHB 1012, CH 59 (2019)**
 Newborns, universal home visiting and statewide family linkage programs: SB 5683
 Products, children's, priority chemicals in, reducing: SB 5135
 Recreational organizations, youth, certified child safety policy and pilot: SB 5161
 Sexual abuse, investigation by multidisciplinary child protection teams: SHB 1595, SB 5461
 Sexual assault, child victim personal information, confidentiality of: ***HB 1505, CH 300 (2019)**
 Sexual exploitation of children, adults offenders, mandatory fees: SHB 1836
 Sexual exploitation of children, advertising commercial, crime of: SB 5897
 Sexually exploited youth, commercially, provisions: SB 5744
 Women, infant, and children farmers market nutrition program, fruit/vegetable benefit: SB 5583
 Youth courts, jurisdiction over civil infractions by juveniles: SB 5640
 Youth, at-risk, detention for failure to comply with court order, eliminating: SB 5290
 Youth, homeless, HOPE centers and outreach services for street youth: ***HB 1657, CH 124 (2019)**, SB 5470
 Youth-serving organizations, mandatory child abuse or neglect reporting: HB 2033, SB 5173

CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT (See also CHILD CARE; FOSTER CARE; JUVENILE COURT AND JUVENILE OFFENDERS)

Background checks, of employees, certificate of parental improvement role: SB 5533
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 Child welfare services, certificates of parental improvement: SB 5533
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 Children, core state services for, forecasting and budgeting, DCYF role: SB 5942
 Developmental disabilities, children with, early childhood program eligibility: SB 5089
 Disabilities, children with, early childhood program eligibility: SB 5089
 Early achievers program, improvements to: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484
 Early achievers program, joint select committee on, recommendations: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484
 Early childhood education and assistance program, outcome evaluation: ***E2SHB 1391, CH 369 (2019) PV**, SB 5484,
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Early childhood education and assistance, birth-to-3 pilot program: SB 5437
 Early childhood education and assistance, expanding eligibility: SB 5089, SB 5437, SB 5820
 Early learning dual language grant program, DCYF role: SB 5607
 Early learning facilities, siting homeless encampment near, prohibiting: SB 5882
 Early learning, basic education program of, establishing: SB 5757
 Foster care-related legal proceedings, counsel for DCYF and parents for: SB 5942
 Juvenile rehabilitation facilities, juvenile offenders convicted in adult court in: ***E2SHB 1646, CH 322 (2019)**, SB 5737
 Juvenile rehabilitation facilities, offender participation in programs: SB 5815
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 Newborns, universal home visiting and statewide family linkage programs: SB 5683
 Overnight care of children, substitute caregivers, information disclosure exemption: SB 5955
 Oversight board for DCYF, membership, expanding: ***HB 1561, CH 429 (2019)**, SB 5435
 Social workers, DCYF, professional loan repayment program, establishing: SB 5950
 Street youth, services for, DCYF role: ***HB 1657, CH 124 (2019)**, SB 5470
 Technical amendments to RCW, in connection with DCYF: ***SHB 1091, CH 64 (2019)**
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**
 Youth development work group, creating within DCYF: SHB 1644, SB 5665
 Youth-serving organizations, mandatory child abuse or neglect reporting: HB 2033, SB 5173

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 Blaine, peace arch, as official state peace monument: SB 5953
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 Alcoholic beverages, winery production work by student interns: *EHB 1563, CH 112 (2019)
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 Behavioral health workforce academic and career pathway programs: SB 5633
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 Career connected learning coordinators, at colleges/universities: SB 5327
 Central Washington U., student teachers, technology for remotely supervising: *E2SHB 1139, CH 295 (2019) PV
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 Tuition/fees, waiver, space available tuition waivers, educational employees: ***E2SHB 1139, CH 295 (2019) PV**
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 U. of Washington, inpatient care teaching/training facility siting, report on: ***E2SHB 1593, CH 323 (2019)**
 U. of Washington, inpatient care teaching/training hospital siting, report on: SB 5516
 U. of Washington, real estate research center, affordable housing reporting: ***E2SHB 1923, CH 348 (2019)**
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 Washington State U., child/adolescent psychiatry residency positions: SB 5903
 Washington State U., criminal justice, domestic violence risk assessment: *E2SHB 1517, CH 263 (2019), SB 5681
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Advanced placement (AP) exams, credit policy for: SB 5410
 Alcoholic beverages, special permit for institutions for student tastings, when: *EHB 1563, CH 112 (2019)
 Alcoholic beverages, winery production work by student interns: *EHB 1563, CH 112 (2019)
 Application fees, waiver for low-income students: SB 5477
 Art, higher education appropriations: *HB 1318, CH 240 (2019), SB 5375
 Assistance for students, homeless or formerly in foster care, pilot program: SB 5800
 Athletes, intercollegiate, compensation of, unfair practices: SB 5875
 Behavioral health professionals, loan repayment program, establishing: *2SHB 1668, CH 302 (2019)
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 Behavioral health workforce academic and career pathway programs: SB 5633
 Cambridge international exams, credit policy for: SB 5410
 Career connected learning coordinators, at colleges: SB 5327
 Child care, working connections, removing student work requirement, when: *2SHB 1303, CH 97 (2019), *E2SHB 2158, CH 406 (2019), SB 5341
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 Credits, systemwide policy for certain exams, establishing: SB 5410

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 Emergency assistance for students, grant program for: *2SHB 1893, CH 407 (2019)
 Expressive activities, speech and public space use, requirements: SB 5538
 Faculty, higher education retirement plans, supplemental benefit contribution rates: SHB 1661
 Faculty, ideological diversity, higher education equity act to require: SB 5914
 Financial aid, behavioral health loan repayment program, establishing: *2SHB 1668, CH 302 (2019)
 Financial aid, college bound dual enrollment scholarship program, creating: SB 5727
 Financial aid, college bound scholarship program, eligibility: *E2SHB 1311, CH 298 (2019)
 Financial aid, college bound scholarship program, homeless students: HB 1278
 Financial aid, dual enrollment scholarship pilot program, Washington: *2SHB 1973, CH 176 (2019)
 Financial aid, evergreen promise pilot program and award: SB 5884
 Financial aid, Native American opportunity scholarship program, establishing: SB 5709
 Financial aid, nurse educator incentive grant program, establishing: SB 5931
 Financial aid, opportunity scholarship program: *E2SHB 2158, CH 406 (2019), SB 5705
 Financial aid, pipeline for paraeducators conditional scholarship program: SB 5413
 Financial aid, social work professional loan repayment program, establishing: SB 5950
 Financial aid, state need grant, replacing with college grant program: *E2SHB 2158, CH 406 (2019)
 Financial aid, state need grant, replacing with college promise scholarship: SB 5393
 Financial aid, state, institutions receiving, student level data submission by: SB 5960
 Financial aid, Washington college grant program, creating: *E2SHB 2158, CH 406 (2019)
 Financial aid, Washington college promise scholarship program, creating: SB 5393
 Financial aid, Washington national guard postsecondary education grant program: SB 5197
 Financial aid, Washington student loan refinancing program, creating: *E2SHB 2158, CH 406 (2019), SB 5774
 Financing for education, income share agreement pilot program, creating: SB 5774
 Food assistance, basic food work requirements, educational programs for: *2SHB 1893, CH 407 (2019)
 Food assistance, SNAP program, EBT card use on postsecondary campuses: *2SHB 1893, CH 407 (2019)
 Food assistance, SNAP program, postsecondary student eligibility: *2SHB 1893, CH 407 (2019)
 Health plan coverage for students, reproductive health care access for all act: SB 5602
 High school diplomas, through community or technical college: *HB 1714, CH 269 (2019), SB 5113
 High school students, concurrent enrollment programs, accreditation: *SHB 1734, CH 272 (2019), SB 5706
 High school students, dual enrollment programs, funding of: SB 5729
 High school students, dual enrollment programs, scholarship program: SB 5727
 Incarcerated adults, postsecondary degree programs: SB 5433
 International baccalaureate exams, credit policy for: SB 5410
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 Nursing programs, nurse educator incentive grant program, establishing: SB 5931
 Performance of higher education/postsecondary institutions, evaluation of: SB 5960
 Religious accommodations, by postsecondary institutions: SB 5166
 Research, records release process for, institution exemption: *SB 5786, CH 88 (2019)
 Running start program, certain enrollment prioritizing, prohibiting: SB 5729
 Running start program, dual enrollment scholarship program, creating: SB 5727
 Running start program, student low-income status documentation: SB 5593
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 Sexual harassment, state employee claims data, reporting of: SB 5845
 Sexual violence, Title IX protections and compliance, task force: ESHB 1998
 Speech/expressive activities, restrictions and requirements: SB 5538
 Students, homeless, capital project plans and programs: SB 5738
 Textbooks, low-cost required instructional materials, use of, notice: HB 1702
 Tuition/fees, "resident student," criteria for veteran to qualify as: *HB 1688, CH 126 (2019), SB 5713
 Tuition/fees, waiver, veterans and national guard members: *E2SHB 2158, CH 406 (2019), ESB 5755
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 Mental health counselors, for veterans attending colleges: SB 5428
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 Mental health professionals, providers who qualify as: SB 5904
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 Peer counselors, substance use disorder, certification program: *2SHB 1907, CH 446 (2019), SB 5055
 Peer support counselor certification program, transfer to DOH, sunrise review of: *2SHB 1907, CH 446 (2019)
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 King, limiting mandatory comprehensive planning under GMA to: SB 5915
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 Judiciary, state of the, joint legislative session for message: ***SCR 8401 (2019)**
 Juries, informant testimony, jury instruction concerning: SB 5714
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 Trafficking, human, agricultural product supply chain disclosures concerning: SB 5693
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 Trafficking, human, noncitizen victims/family members, public assistance: SB 5164
 Trafficking, human, restraining order violation, arrest for: ***HB 1055, CH 18 (2019)**
 Violent offenses, prostitution charge immunity when seeking assistance: ***HB 1382, CH 114 (2019)**
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 School district permanent employees, firearms training/education program for: SB 5977
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 Special education, assessment, students in juvenile rehabilitation institutions: SB 5962
 Special education, comprehensive approach for improving: SB 5532
 Special education, each student's family's preferred language, documenting: ***ESHB 1130, CH 256 (2019)**
 Special education, excess cost allocation: SB 5312, SB 5532, SB 5736, SB 6021
 Special education, safety net funding: SB 5091, SB 5532, SB 6021
 Special education, service models description and IEP meetings handout: SB 5262
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 Risk assessment tool, development for prosecution, sentencing, and reentry: ***E2SHB 1517, CH 263 (2019)**, SB 5681
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 Shelters, for homeless, prevailing wages for construction: ***HB 1743, CH 29 (2019)**, SB 5766
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 Traumatic brain injuries, in domestic violence cases, handout and website: ***SHB 1532, CH 110 (2019)**
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 Cannabis, cannabis science task force, establishing: ***HB 2052, CH 277 (2019)**
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 Cannabis, product testing laboratories, accreditation program for: ***HB 2052, CH 277 (2019)**
 Controlled substance, endangerment with a, adding fentanyl to crime of: SB 6022
 Controlled substances, uniform act, property forfeiture under: SB 5060
 Fentanyl, adding to crime of endangerment with a controlled substance: SB 6022
 Food and drug administration, U.S., disclosure exemption for certain records: ***HB 1385, CH 337 (2019)**, SB 5455
 Illegal drugs, past manufacture on residential property, seller disclosure: SB 5391
 Insulin drugs, wholesale price increase notification: SB 5371
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 Marijuana, businesses, administrative violations: SB 5318
 Marijuana, businesses, advertising to minors, prohibiting: SB 5201
 Marijuana, businesses, agreements with, trademarks and intellectual property: ***ESHB 1794, CH 380 (2019)**
 Marijuana, businesses, billboards: SB 5785
 Marijuana, businesses, budtender permits for retailers and employees: SB 5678
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 Marijuana, businesses, marijuana merchandise: SB 5201
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 Marijuana, businesses, retail employee crimes involving underage persons: ***HB 1792, CH 379 (2019)**
 Marijuana, cannabis science task force, establishing: ***HB 2052, CH 277 (2019)**
 Marijuana, cultivation or possession in a residence: SB 5155
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 Marijuana, medical use, consumption by students: ***SHB 1095, CH 204 (2019)**, SB 5442
 Marijuana, medical use, estimating medical market demand: SB 5599

Marijuana, medical use, medical marijuana authorization database, funding: ***SHB 1415, CH 220 (2019)**, SB 5482
 Marijuana, medical use, recognition cards and excise tax exemption: SB 5234
 Marijuana, possession, misdemeanor convictions, vacation of: ***SB 5605, CH 400 (2019)**
 Marijuana, product labels and labeling, requirements: SB 5298
 Marijuana, product testing laboratories, accreditation program for: ***HB 2052, CH 277 (2019)**
 Marijuana, retail license, for municipal corporation, commission, or authority: SB 5599
 Naloxone, grades 7-12 and higher education access: SB 5464
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 Offenses, criminal, persons convicted of, resentencing hearings for: SB 5867
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 Opioid overdose medication, K-12 and higher education access: 2SHB 1039
 Opioid overdose medication, provisions: SB 5380
 Opioid pollution, reduction permits for pollution control facilities: SB 5657
 Opioids, prescription, B&O surtax on persons warehousing and reselling: SB 5940
 Opioids/other drugs, crisis services, enhanced 211 drug line pilot project: SB 5546
 Over-the-counter drugs, athletic trainer purchase/administration of, when: SB 5688
 Prescription monitoring program, insulin drug wholesale price increases: SB 5371
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 Prescription, athletic trainer purchase/administration of, when: SB 5688
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 Prescription, cost transparency, reporting for: ***E2SHB 1224, CH 334 (2019)**, SB 5251, SB 5292, SB 5422
 Prescription, drug utilization management protocol, use of: ***ESHB 1879, CH 171 (2019)**, SB 5806
 Prescription, electronic communication to pharmacy of: SB 5446
 Prescription, high-annual-cost, emerging therapies work group, establishing: SHB 1869
 Prescription, mail order services, unintentional use/enrollment: SB 5184
 Prescription, naturopath legend drug and controlled substance prescribing: SB 5752
 Prescription, opioids, prescribing of, requirements: SB 5380
 Prescription, step therapy exception requests: ***ESHB 1879, CH 171 (2019)**
 Prescription, warehousing/reselling, preferential B&O tax rate, repealing: SB 5988

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Architectural paint stewardship program, creation, ecology role: ***SHB 1652, CH 344 (2019)**
 Chemicals, priority, reducing use in consumer products, ecology role: SB 5135
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 Fuels, for transportation, clean fuels program, ecology role: E2SHB 1110, SB 5412
 Greenhouse gas emissions, evaluation under SEPA, ecology rule adoption: SB 5561
 Hazardous substances, independent remedial actions, program to aid: ***SHB 1290, CH 95 (2019)**, SB 5285
 Imidacloprid, in shellfish beds, NPDES permit issuance, ecology role: SB 5626
 Marijuana, product testing laboratories, accreditation program for, ecology role: ***HB 2052, CH 277 (2019)**
 Oil spill prevention and response, ecology role: ***ESHB 1578, CH 289 (2019)**, SB 5578
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 Recycling development center, with advisory board, creating within ecology: ***E2SHB 1543, CH 166 (2019)**, SB 5545
 Recycling, ecology role: SB 5854
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Competency-based education work group, convening: SB 5146
 Graduation, pathway options, board role: ***E2SHB 1599, CH 252 (2019)**
 Mastery-based learning, barriers to, work group on, convening: ***E2SHB 1599, CH 252 (2019)**
 Waivers, two-credit, reporting by board: SB 5146

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 Ballots and envelopes, county auditor's name on, prohibitions: HB 1212, HB 2008
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 Ballots, overflow of drop boxes for, preventing: SB 5079
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 Ballots, voter signature marks, witnesses to sign declaration: SB 5823
 Campaigns, contribution regulatory authority, U.S. constitutional amendment: SJM 8001
 Campaigns, contributions, political committee requirements: ***ESHB 1379, CH 261 (2019)**, SB 5221
 Campaigns, contributions, port district officials, limits: ***HB 1375, CH 100 (2019)**, SB 5309
 Campaigns, contributions, regulating, U.S. constitutional amendment convention: SJM 8002
 Campaigns, finance disclosure, administration: ***SHB 1195, CH 428 (2019) PV**, SB 5112
 Campaigns, treasurers for, training course: SB 5388
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 Election systems and data, security breaches by foreign entities: SHB 1251
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 Presidential primaries, provisions: SB 5229, ***ESB 5273, CH 7 (2019)**
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 School district bonds and payment levies, simple majority to authorize: SB 5066, SJR 8201
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 Voting, Native American voter rights: SB 5079
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 Voting, registration, deadline for: ***SB 5227, CH 391 (2019)**
 Voting, registration, nonbinary gender category on application: SB 5342
 Voting, registration, to vote in primary if 18 by general election: SB 5283
 Voting, right to vote, offender loss due to community custody violation: SB 5076
 Voting, rights restoration process, notifying inmates of: ***SB 5207, CH 43 (2019)**

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Telecommunications installations, wiring requirements, exemption: ***SHB 1594, CH 119 (2019)**

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Efficiency standards, various products: ***2SHB 1444, CH 286 (2019)**, SB 5115

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Catastrophic incidents, continuity of government: SB 5012, ***SJR 8200 (2019)**

Catastrophic incidents, plans and guidance for school districts: SB 5247

EMERGENCY MANAGEMENT AND SERVICES (See also EMERGENCIES; EMERGENCY, STATE OF; FIRE PROTECTION; FIRST RESPONDERS; HAZARDOUS MATERIALS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; MILITARY DEPARTMENT; NATURAL DISASTERS; OIL AND GAS)

211 information system (WIN 211), enhanced 211 drug line pilot project: SB 5546

Ambulance and aid services, emergency medical services data system use: SB 5380

Ambulance services, by certain associations in rural areas, personnel: SB 5592

Ambulance transport providers, additional medicaid payments to: SB 5517

Ambulance transports, quality assurance fee for, imposing: SB 5517

Animals, medical services for, by emergency personnel: SB 5208

Buildings, emergency service, functional recovery standard for: SB 5557

Catastrophic incidents, continuity of government: SB 5012

Catastrophic incidents, plans and guidance for school districts: SB 5247

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Emergency management council, education safety issues: ***2SHB 1216, CH 333 (2019)**, SB 5317

Emergency response, reimbursement by intoxicated driver, when: ESHB 1504

Hotline/program for reporting potential self-harm/criminal acts, establishing: SB 5835

Paramedics, training program use of live animals, prohibitions: SB 5211

School safety, threat notifications to nearby schools by first responders: SB 5514

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Broadcasters, first informer, during emergency: ***HB 1147, CH 207 (2019)**, SB 5186

Measles, 2019 Clark county outbreak, budget stabilization account appropriations: SB 6009

Waiver or suspension of legal obligations or limitations, governor authority: ***SB 5260, CH 472 (2019)**

Wildfires, 2018-2019 appropriations from budget stabilization account for: ***SHB 2159, CH 418 (2019)**, SB 6009

EMPLOYMENT AND EMPLOYEES (See also BUSINESSES; CONTRACTORS; DISCRIMINATION; EMPLOYMENT SECURITY DEPARTMENT; LABOR; PROFESSIONS; PUBLIC EMPLOYMENT AND EMPLOYEES; RAILROADS; UNEMPLOYMENT COMPENSATION; WAGES AND HOURS; WORKER TRAINING AND WORKFORCE NEEDS; WORKERS' COMPENSATION)

Adult entertainment, entertainer safety and advisory committee: ***EHB 1756, CH 304 (2019)**, SB 5724

Agricultural workers, H-2A, temporary foreign grower-employed employees as: SB 5438

Breast milk, expressing, employer accommodation of: ***SHB 1930, CH 134 (2019)**, SB 5911

Employees, employee fair classification act, creating: SB 5513, SB 5690

Employer debt owed to deceased employee, payment of: ***SB 5831, CH 89 (2019)**

Employer-employee relationship, under wage and compensation laws: SB 5513, SB 5690

Employment agencies or directories, fee charged by, prohibiting: SB 5171

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Employment positions, creation of, B&O tax credits: SB 5215

Family and medical leave, paid, applying provisions to excess compensation tax: SB 6017

Family and medical leave, paid, investing funds for, constitutional amendment: SJR 8212

Family and medical leave, paid, various provisions: ***SHB 1399, CH 13 (2019)**, ***ESB 5439, CH 81 (2019)**, SB 5449, SB 5539

Fossil fuel industry worker assistance, when: SB 5981

Harassment, of complaining employee in unfair practices investigations: ***EHB 2020, CH 349 (2019)**, SB 5929
 Health care settings, workplace violence protections: ***SHB 1931, CH 430 (2019)**, SB 5912
 Independent personal labor contractors, persons under, minimum wages for: SB 5987
 Isolated workers, sexual harassment and assault of, employer prevention role: SB 5258
 Legislators, non-legislative employment of, leave of absence from: ESB 5294
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 Nonemployee workers, benefit providers and portable benefits: SB 5690
 Nonemployee workers, workers' boards for, convening: SB 5690
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 Prospective employee, wage or salary history, employer inquiries: ***ESHB 1696, CH 345 (2019)**, SB 5090
 Railroad workers, safe leave act and account: SB 5879
 Sexual discrimination, in workplace, prevention measures: SB 5258
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EMPLOYMENT SECURITY DEPARTMENT (See also UNEMPLOYMENT COMPENSATION)

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 Agricultural workers, H-2A, temporary foreign employees as, ESD role: SB 5438
 Domestic violence, community resources poster for workplace: ***HB 1533, CH 228 (2019)**
 Family and medical leave, paid, applying provisions to excess compensation tax: SB 6017
 Family and medical leave, paid, exemptions and exclusions: SB 5539
 Family and medical leave, paid, investing funds for, constitutional amendment: SJR 8212
 Family and medical leave, paid, records confidentiality: ***ESB 5439, CH 81 (2019)**
 Family and medical leave, paid, records disclosure exemption: ***SHB 1399, CH 13 (2019)**, SB 5449
 Family and medical leave, paid, various provisions: ***SHB 1399, CH 13 (2019)**, SB 5449, SB 5539
 Hospitality industry, opportunities for employment in hospitality grant: SB 5808
 Long-term care, insurance benefit for, ESD role: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Railroads, safe leave act for Washington railroad workers, ESD role: SB 5879
 Records, agency privacy officer, designating: ***ESB 5439, CH 81 (2019)**
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**

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 Renewable resources, alternative energy machinery, tax exemptions: SB 5116
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 Renewable resources, electricity generated from water, tax preferences: SB 6012

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 Solar energy systems, manufacturing location for public utility tax incentives: SB 5555
 Solar gardens, community, requirements and operation: SB 5280
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 SEPA, exemptions, community facilities districts formation: ***HB 1366, CH 260 (2019)**, SB 5939
 SEPA, exemptions, GMA residential capacity/housing affordability compliance: ***E2SHB 1923, CH 348 (2019)**
 SEPA, exemptions, temporary shelter or transitional encampment for homeless: SB 5946
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Harassment, by legislators/legislative employees, as ethics violation: ***ESHB 2018, CH 383 (2019)**
 State officers and employees, postemployment income disclosure: SB 5033

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 Hemp, industrial hemp research pilot program, replacing: E2SHB 1401, SB 5719
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 Hemp, licensing and regulatory program for production: E2SHB 1401, SB 5719
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 Vehicles, single or combination carrying farm products, weight limit exception: SB 5883
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 Passenger-only service between Olympia and Seattle, studying: SB 5157
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 Vessel replacement surcharge, additional, on certain fares: ***ESHB 2161, CH 431 (2019)**, SB 5971, SB 5992
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Banking, Glass-Steagall act separation of investment and commercial, requesting: SJM 8003
 Consolidated financial institution group members, additional B&O tax, when: ***SHB 2167, CH 420 (2019)**
 Credit unions, Washington state credit union act, revising: ***HB 1247, CH 19 (2019)**, SB 5479
 Investment management companies, international, tax preferences: ***ESB 6016, CH 426 (2019)**
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 Linked deposit program, administrative provisions: SB 5167
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 Firearm background checks, single/full point of contact system, feasibility: ***SHB 1949, CH 35 (2019)**
 Fiscal analysis, work group concerning nonpartisan agency for, OFM role: SB 5636
 Fiscal impact, dynamic fiscal impact statements, instituting, OFM role: SB 5636
 Fiscal notes, various provisions: SB 5636
 Health care providers, out-of-network, data set and business process: SB 5031, SB 5699
 Lost and found property, monetary thresholds for disposition, OFM role: ***SHB 1764, CH 30 (2019)**
 Military spouse recruitment program, OFM role: SB 5772
 Prescription drugs, cost transparency, OFM role: SB 5251, SB 5292
 RCW, obsolete provisions concerning OFM: SB 5311
 State employees, child care access and affordability survey, OFM role: ***2SHB 1344, CH 368 (2019)**
 Statewide all-payer health care claims database, transfer of authority for: 2SHB 1776, SB 5741
 Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**

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 Districts, clean-up/removal action costs: EHB 1169
 Districts, commissioner elections when modifying boundaries: SB 5266
 Districts, commissioner elections, ranked choice voting for: SB 5708
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 Fire districts, local, protected land not assessed by levy, annexation: SB 5010
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 Fire service mobilization plan, risk resources, extending expiration: SB 5019
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 First amendment rights activity, risk resources mobilization for, restricting: ***SHB 1170, CH 259 (2019)**
 Flame retardants, as priority chemicals, reducing use in consumer products: SB 5135
 Regional fire protection service authorities, clean-up action costs: EHB 1169
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 Wildfires, 2018 season, appropriations from budget stabilization account for: ***SHB 2159, CH 418 (2019)**, SB 6009
 Wildfires, fire damage or response costs, actions against electric utility for: SB 5305

Wildfires, national guard fire response duty, pay for: ***HB 1137, CH 66 (2019)**, SB 5196
 Wildfires, prevention and response, forest health treatment role in: ***2SHB 1784, CH 305 (2019)**
 Wildfires, prevention/suppression, additional property/casualty insurer tax for: SB 5996
 Wildfires, prevention/suppression, forest health advisory committee role: SB 5996
 Wildfires, prevention/suppression, wildland fire advisory committee role: SB 5996
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 Animal control officers, carrying firearms: SB 5016
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 Bump-fire stock buy-back program, modifying: SB 5954
 Bump-fire stock buy-back program, participants' personal information: ***SB 6025, CH 239 (2019)**
 Bump-fire stock buy-back program, SB 6025 concerning, authorizing consideration of: ***SCR 8406 (2019)**
 Clay targets, sales and use tax exemptions: SB 5726
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 Force, with firearm discharge, use by officers and security guards, reporting: SB 5916
 Gun clubs, nonprofit, clay target sales and use tax exemptions for: SB 5726
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 Pistols, delivery of, requirements: ***EHB 1465, CH 244 (2019)**
 Pistols, license for concealed, applications, proficiency, and instructors: SB 5174
 Pistols, license for concealed, background check requirements: ***SB 5508, CH 249 (2019)**
 Pistols, license for concealed, exemption for correctional employees, when: ***HB 1589, CH 231 (2019)**
 Pistols, license for concealed, in cases of domestic violence: ***SHB 1225, CH 367 (2019)**
 Pistols, license for concealed, process for renewal by law enforcement: ***HB 1934, CH 135 (2019)**
 Pistols, license for concealed, removing as requirement for pistol delivery: ***EHB 1465, CH 244 (2019)**
 Pistols, license for concealed, surrendering due to various orders requiring: ***SHB 1786, CH 245 (2019)**
 Possession, by person incompetent to stand trial, prohibiting: ***SB 5205, CH 248 (2019)**
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 Undetectable or untraceable firearms, prohibitions: ***SHB 1739, CH 243 (2019)**, SB 5061

FIREFIGHTERS (See also EMERGENCY MANAGEMENT AND SERVICES; FIRST RESPONDERS; RETIREMENT AND PENSIONS)

Animals, medical services for, by emergency fire protection responders: SB 5208
 Occupational disease presumptions, for workers' compensation: ***HB 1913, CH 133 (2019)**, SB 5849
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FIRST RESPONDERS (See also EMERGENCY MANAGEMENT AND SERVICES; FIREFIGHTERS; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL)

Emergency responders, medical services for animals by: SB 5208
 Peer support group counselors, first responder privileged communications to: ***SHB 1356, CH 98 (2019)**
 School safety, first responder building mapping information system, studying: ***2SHB 1216, CH 333 (2019)**, SB 5317
 School safety, threat notifications to nearby schools by responders: SB 5514
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FISH (See also FISHING; ZOOS AND AQUARIUMS)

Barriers to passage, removal projects, additive transportation funding for: SB 5972
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 Game fish, bass, walleye, and channel catfish, liberalizing bag limits: ***2SHB 1579, CH 290 (2019) PV**
 Game fish, removing certain freshwater fish from list: SB 5580
 Habitat projects, conservation district-sponsored: HB 1187, SB 5567
 Habitat projects, to include kelp, eelgrass, and oyster restoration: ***SB 5404, CH 150 (2019)**
 Salmon, chinook, killer whale task force recommendation for increasing: ***2SHB 1579, CH 290 (2019) PV**, SB 5580
 Salmon, managing sea lions/pinnipeds to limit predation, permits for, requesting federal action: SJM 8015
 Salmon, new salmon hatchery, construction by port of Bellingham: SB 5824
 Salmon, nontribal gill net use for, prohibition and license buyout plan: SB 5617

FISH AND WILDLIFE COMMISSION (See also FISH AND WILDLIFE, DEPARTMENT)

Damage by wildlife, prevention, nonlethal dog pursuit training, rule adoption: ***HB 1516, CH 226 (2019)**
 Game fish, bass, walleye, and channel catfish, liberalizing bag limits: ***2SHB 1579, CH 290 (2019) PV**
 Game fish, regulated by commission, removing certain fish from list: SB 5580
 Hunter clothing, fluorescent, rule adoption: SB 5148

FISH AND WILDLIFE, DEPARTMENT (See also DISCOVER PASS; FISH; FISH AND WILDLIFE COMMISSION; FISHING; HUNTING; HYDRAULIC PERMITS AND PROJECTS; MARINE WATERS, STATE; SHELLFISH; WILDLIFE)

Commercial whale watching, DFW role: 2SHB 1580
 Cougar control pilot program, establishing: SB 5100
 Damage by wildlife, prevention, nonlethal dog pursuit training to aid: ***HB 1516, CH 226 (2019)**, SB 5320
 Damage by wildlife, protections against, DFW role: ***ESHB 2097, CH 450 (2019)**, SB 5620
 Enforcement, fish and wildlife officers, definition and collective bargaining: SB 5481
 Fish passage barrier removal board, role of: SB 5136, SB 5788
 Hydraulic code enforcement, DFW role: ***2SHB 1579, CH 290 (2019) PV**, SB 5580
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 Lands, DFW, pollinator habitat: SB 5552
 Volunteer programs, within DFW, review of opportunities to include: SB 5265
 Wolves, conflict mitigation guidelines, developing and implementing: ***ESHB 2097, CH 450 (2019)**
 Wolves, wolf-livestock conflict response and proactive nonlethal deterrents: ***ESHB 2097, CH 450 (2019)**

FISHING (See also FISH; SHELLFISH)

Columbia river recreational salmon and steelhead endorsement program: SB 5692, SB 5871
 Commercial, crewmember license: SHB 1769
 Commercial, enhanced food fish tax revenues: SB 5790
 Licenses, age threshold for mandatory licensing, raising: SB 5692
 Licenses, commercial, security interest or lien in: ***HB 1062, CH 200 (2019)**
 Licenses, enhancement programs, revenue from, deposits into accounts: SB 5692
 Licenses, new fish Washington and sportsperson licenses: SB 5692
 Licenses, recreational, comprehensive changes: SB 5692
 Licenses, recreational, fee increase and surcharge: SB 5692
 Right to fish, hunt, and harvest wildlife, not to be infringed, constitutional amendment: SJR 8204
 Salmon, nontribal gill net use for, prohibition and license buyout plan: SB 5617
 Smelt, saltwater, recreational license for, requiring: ***2SHB 1579, CH 290 (2019) PV**

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United States, flag of, placement by state highways: SB 5094

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Chehalis basin, office of, water infrastructure program role: SB 5136

FOOD AND FOOD PRODUCTS (See also BUSINESSES; FARMS AND FARMING; FOREST PRACTICES AND PRODUCTS; HORSES; PUBLIC ASSISTANCE)

Beverages, plastic straws for, prohibition: SB 5077

Career and technical education, food career-connected learning within: SB 5804
 Dairy inspection program, milk assessment to fund, delaying expiration: ***HB 1429, CH 115 (2019)**, SB 5447
 Eggs and egg products, regulation and restrictions: ***SHB 2049, CH 276 (2019)**
 Food and beverages, for pets and humans, scan-down allowances on: ***EHB 1354, CH 217 (2019)**, SB 5407
 Food and drug administration, U.S., disclosure exemption for certain records: ***HB 1385, CH 337 (2019)**, SB 5455
 Food service businesses, worker schedule requirements: SB 5717
 Food service products, single-use plastic, prohibitions: ***ESHB 1569, CH 265 (2019)**
 Food, definition, application for sales tax purposes of: SB 5581
 Fruit and vegetable incentives program, for low-income persons, establishing: ***SHB 1587, CH 168 (2019)**, SB 5583
 Hospitality businesses, worker schedule requirements: SB 5717
 Milk, non-milk products identified by "milk," unlawful to sell or deliver: SB 5349
 Mobile food units, permits for: SB 5218
 Packaging and food service products, plastic, degradability and prohibitions: ***ESHB 1569, CH 265 (2019)**
 Prepared food, permanent sales tax exemption for: SB 5624
 Refreshment and coffee services, volunteer, at safety rest areas: SB 5901
 Wasted food and food waste, reducing: ***E2SHB 1114, CH 255 (2019)**
 Women, infant, and children farmers market nutrition program, fruit/vegetable benefit: SB 5583

FOREST LAND (See also CONSERVATION; FOREST PRACTICES AND PRODUCTS)

Biochar, from wildlife fuel loads: ***SJM 8005 (2019)**
 Burning, outdoor, authorizing for silvicultural operations and wildfire resiliency: ***2SHB 1784, CH 305 (2019)**, SB 5279
 Community forests, county-owned, reconveyance of state forestlands for: SB 5701
 Community forests, grant program and account, establishing: SB 5873
 Fire damage or response costs, actions against electric utility for: SB 5305
 Landowners, small forest, legislative work group on, creating: SB 5330
 Pesticides, aerial application on forestlands, work group, establishing: SB 5597
 State forestlands, payments from exchange of, county prorating, when: ***HB 2119, CH 309 (2019)**, SB 5975
 Wildfires, prevention and response, forest health treatment role in: ***2SHB 1784, CH 305 (2019)**
 Working forest proximity, real estate seller disclosure of: ***HB 1011, CH 17 (2019)**

FOREST PRACTICES AND PRODUCTS (See also CONSERVATION; FOREST LAND; FOREST PRACTICES BOARD; NATURAL RESOURCES, DEPARTMENT)

Burning, outdoor, authorizing for silvicultural operations and wildfire resiliency: ***2SHB 1784, CH 305 (2019)**, SB 5279
 Christmas tree grower licensure program, extending: ***HB 1146, CH 206 (2019)**
 Logging and mining, in upper Skagit watershed, requesting prevention of: SJM 8014
 Timber industry/products, mass timber products, B&O tax preferences: SB 5467
 Timber products, surcharge, modifying: ***E3SHB 1324, CH 336 (2019) PV**

FOREST PRACTICES BOARD

Actions, significant agency, board scientific information sources: SB 5241
 Rule making, significant legislative rules, scientific information, board role: SB 5241

FOSTER CARE

Child-placing agencies, contract evaluation: SB 5645
 Foster parents, short-term case aides for: SB 5096
 Legal proceedings, foster care-related, counsel for DCYF and parents for: SB 5942
 Prevention and family services and programs, relation to foster care: ***HB 1900, CH 172 (2019)**, SB 5826
 Students, formerly in foster care, college assistance pilot program for: SB 5800
 Traumatic brain injuries, screenings for children entering foster care system: ***SHB 1605, CH 120 (2019)**, SB 5586

FUELS (See also HEATING AND HEATERS; OIL AND GAS; TAXES - MOTOR VEHICLE FUEL)

Alternative fuels, transportation electrification plans, infrastructure, and tax preferences: ***E2SHB 2042, CH 287 (2019)**
 Clean fuels program, establishing: E2SHB 1110, SB 5412
 Fossil fuel industry worker assistance, when: SB 5981
 Fossil fuels, carbon pollution fee: SB 5971
 Fuel mix disclosure by electric utilities, modifying: ***ESHB 1428, CH 222 (2019)**
 Gas, natural, renewable, gas company provisions: ***E3SHB 1257, CH 285 (2019)**

Gas, natural, suppliers of, cap and trade program provisions: SB 5981
 Hydrogen, renewable, production and distribution by public utility districts: SB 5588
 Hydrogen, renewable, provisions: ***E2SHB 2042, CH 287 (2019)**
 International fuel tax agreement license, application fee: SB 5971
 Motor fuel pumps, fuel tax sticker for display on: SHB 1633
 Motor vehicle fuel, licensees, imposing additional/cumulative tax rate on: SB 5971
 Transportation fuels, clean fuels program, establishing: E2SHB 1110, SB 5412

GAMBLING (See also GAMBLING COMMISSION; HORSES; TITLE ONLY BILLS)

Arts and crafts activities, not a gaming activity for liquor license purposes: HB 1676
 Contests of chance, B&O tax rate, increasing, when: SB 5129
 Licenses, nonprofit or charitable organizations, exemption for, when: SB 5595
 Problem gambling, joint legislative task force on, creating: ESHB 1880, SB 5818
 Problem or disorder, self-exclusion program for persons with, establishing: ***SHB 1302, CH 213 (2019)**, SB 5416

GENDER IDENTITY (See also DISCRIMINATION; MINORITIES; SEX OFFENSES AND OFFENDERS; SEXUAL ORIENTATION)

Gender dysphoria or gender affirming care services, as sensitive services: SB 5889
 Hate crimes, gender identity and expression as protected classes for: ***ESHB 1732, CH 271 (2019)**, SB 5850
 LGBTQ commission, Washington state, establishing: SB 5356
 LGBTQ pride month, June as: SB 5356
 Nonbinary, application category for persons identifying as, when: SB 5342
 Reproductive health care access for all act: SB 5602
 Transgender students, policy and procedure, school district requirements: SB 5689
 Veterans, lesbian, gay, bisexual, transgender, and queer coordinator, creating: SB 5900

GOVERNOR (See also BUDGETS; COLLECTIVE BARGAINING; EMERGENCY, STATE OF; INDIANS; STATE GOVERNMENT)

Broadband office, governor's statewide, establishing: 3SHB 1498, SB 5511
 Diversity, equity, and inclusion, governor's commission on, creating: SI 1000
 Duties, lieutenant governor performing, payment for: SB 5797
 Emergencies, suspending legal obligations and limitations: ***SB 5260, CH 472 (2019)**
 Equity, Washington state office of, establishing in governor's office: SB 5776
 Gubernatorial appointees, background check information, governor to provide: SB 5968
 Indian health advisory council, governor's, establishing: ***SB 5415, CH 282 (2019)**
 LGBTQ commission, Washington state, establishing in governor's office: SB 5356
 Post-conviction review board, renaming ISRB as, in governor's office: SB 5819
 State of state message, joint legislative session for: ***HCR 4400 (2019)**
 Vapor products, tax contracts concerning sale in Indian country, governor's role: ***E2SHB 1873, CH 445 (2019)**

GROWTH MANAGEMENT (See also ADMINISTRATIVE PROCEDURE; BUILDING CODES AND PERMITS; ENVIRONMENT; HOMES AND HOUSING; LAND USE PLANNING AND DEVELOPMENT; SHORELINES AND SHORELINE MANAGEMENT)

Agricultural lands, of commercial significance, supporting agriculture on: SB 5259
 Classification of land, guidelines for, analysis of effect of: SB 5524
 Comprehensive planning, county/city real estate sales excise tax imposition: SB 5676
 Comprehensive planning, guidance for, implementation effects analysis: SB 5524
 Comprehensive planning, mandatory, limiting to King county: SB 5915
 Comprehensive planning, rural county withdrawal from, criteria: SB 5242
 Critical areas, designation, best available science for: SB 5245
 Dwelling units, accessory, creating within urban growth areas: SB 5812
 Hearings board, eliminating: SB 5915
 Hearings board, filing petition with, qualifications for: SB 5243
 Hearings board, members of: SB 5630
 Hearings board, scientific/other expert witnesses for planning jurisdictions: SB 5639
 Hearings board, topical index of rules and actions: SB 5151
 Housing, affordable, development on religious organization property: ***SHB 1377, CH 218 (2019)**, SB 5358

Housing, affordable, residential parking requirements, when: ***E2SHB 1923, CH 348 (2019)**
 Housing, affordable, supporting via GMA planning: ***E2SHB 1923, CH 348 (2019)**, SB 5193, SB 5802
 Housing, low-, very low-, and extremely low-income households: ***E2SHB 1923, CH 348 (2019)**, SB 5440
 Housing, residential building capacity and housing affordability, increasing: ***E2SHB 1923, CH 348 (2019)**
 Housing, tiny house as accessory dwelling unit: SB 5382
 Housing, tiny house communities, siting of: SB 5384
 Housing, transit supportive densities in residential targeted areas: SB 5353
 Housing, variety and balance in urban growth areas of: SB 5194
 Light rail, station approval, urban density standards under GMA for: SB 5424
 Planning costs, local, grant program for: SB 5769
 Public facilities, essential, exclusions: SB 5117
 Rural development, limited areas of more intensive, for affordable housing: SB 5193
 Subdivisions, short, definition and GMA provisions: ESB 5008
 Urban governmental services, expansion into rural areas, when: SB 5520
 Urban growth areas, accessory dwelling units in: SB 5812
 Urban growth areas, boundaries: SB 5026, SB 5194
 Urban growth areas, designation for housing variety and balance: SB 5194
 Urban growth areas, housing affordability zones in: SB 5802
 Urban growth areas, residential use area density and housing: SB 5769
 Urban growth areas, supporting agriculture on lands within: SB 5259
 Urban growth areas, transit supportive densities in residential targeted areas: SB 5353

GUARDIANSHIP (See also ESTATES, TRUSTS, AND PROBATE; PUBLIC GUARDIANSHIP, OFFICE)

Guardians ad litem, for child, fingerprint background checks: ***SB 5895, CH 57 (2019)**
 Guardianship, conservatorship, and other protective arrangements act: SB 5604
 Incapacitated persons, gravely disabled, guardianship pilot program: SB 5114
 Incapacitated persons, involuntary commitment by guardian: SB 5114

GUBERNATORIAL APPOINTMENTS

Adelstein, Steven P., member, Whatcom Community College Board of Trustees: SGA 9084
 Aguilar, Yazmin , member, Washington Student Achievement Council: ***SGA 9207 (2019)**
 Aguilera, Adam L., member, Professional Educator Standards Board: SGA 9278
 Ahl, Debbie J., member, Bellingham Technical College Board of Trustees: SGA 9224
 Akerlund, Paula M., member, Grays Harbor College Board of Trustees: SGA 9178
 Anderson, Anthony J., member, Bates Technical College Board of Trustees: SGA 9123
 Anderson, Philip, member, Pacific States Marine Fisheries Commission: SGA 9042
 Anderson, Steven F., member, Pharmacy Quality Assurance Commission: SGA 9164
 Angeletti-Harris, Cheryl, member, Clemency and Pardons Board: SGA 9271
 Anthony, Michael L., member, Board of Pilotage Commissioners: SGA 9138
 Aveledo, Astrid E., member, Grays Harbor College Board of Trustees: SGA 9231
 Bagherpour, Bahram, member, State Board for Community and Technical Colleges: SGA 9128
 Baldoz, Patrick, member, Yakima Valley Community College Board of Trustees: ***SGA 9055 (2019)**
 Batayola, Teresita, member, Seattle College District Board of Trustees: ***SGA 9006 (2019)**
 Batra, Shiv, member, Transportation Commission: ***SGA 9023 (2019)**
 Bennett, Kathryn A., member, Skagit Valley College Board of Trustees: SGA 9251
 Bernstein, Lois, member, Tacoma Community College Board of Trustees: SGA 9063
 Berntsen, Teresa, director, Department of Licensing - Agency Head: ***SGA 9181 (2019)**
 Bladow, Layne, member, Bates Technical College Board of Trustees: SGA 9032
 Blauvelt III, Arthur A., member, Grays Harbor College Board of Trustees: SGA 9049
 Blocker, Christina, member, Bates Technical College Board of Trustees: SGA 9059
 Bohlke, Wendy K., member, Whatcom Community College Board of Trustees: SGA 9121
 Bolerjack, Bob, member, Everett Community College Board of Trustees: ***SGA 9102 (2019)**
 Boschok, Jacelyn (Jackie) M., member, Green River College Board of Trustees: SGA 9057
 Boschok, Jacelyn (Jackie) M., member, Women's Commission, Washington State: ***SGA 9189 (2019)**
 Bounds, Kenneth, member, Parks and Recreation Commission: SGA 9258
 Breckel, Jeffrey, member, Salmon Recovery Funding Board: SGA 9093

Brown, Lisa, director, Department of Commerce - Agency Head: ***SGA 9279 (2019)**
Burke, Alan, member, State Board of Education: SGA 9153
Bush, Bonnie C., member, Pharmacy Quality Assurance Commission: SGA 9252
Busto, Mark R., member, Public Employment Relations Commission: SGA 9068
Campbell, Debbie A., member, Centralia College Board of Trustees: ***SGA 9230 (2019)**
Cantrell, Laura F., member, Lottery Commission: SGA 9002
Captain, Roy, member, Cascadia College Board of Trustees: SGA 9091
Carson, Scott E., regent, Washington State University: ***SGA 9001 (2019)**
Castillo, Noe Jr, member, Housing Finance Commission: SGA 9246
Cate, Sara, member, Yakima Valley Community College Board of Trustees: SGA 9005
Chernin, Louise, member, Seattle College District Board of Trustees: ***SGA 9007 (2019)**
Childs, Shannon L., member, Olympic College Board of Trustees: SGA 9124
Chin, Lisa H., member, Bellevue College Board of Trustees: ***SGA 9044 (2019)**
Christiansen, Gregory A., member, Workforce Training and Education Coordinating Board: SGA 9089
Christianson, Maria J., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: SGA 9203
Chu, Elaine, member, Green River College Board of Trustees: SGA 9232
Clark, Charles, director, Department of Financial Institutions - Agency Head: SGA 9287
Clark, Keri J., member, Washington State School for the Blind Board of Trustees: SGA 9043
Clay, Diana L., member, Edmonds Community College Board of Trustees: ***SGA 9236 (2019)**
Clifton, Lily, member, Washington State School for the Blind Board of Trustees: SGA 9247
Cohen, Jerome O., member, Higher Education Facilities Authority: SGA 9171
Conner, Raymond, member, Central Washington University Board of Trustees: ***SGA 9148 (2019)**
Cook, Deborah, member, Human Rights Commission: SGA 9219
Cowger, Graciela G., member, Women's Commission, Washington State: ***SGA 9190 (2019)**
D'Ambrosio, Catherine P., member, Shoreline Community College Board of Trustees: ***SGA 9050 (2019)**
Danner, David, chair, Utilities and Transportation Commission: ***SGA 9253 (2019)**
Daudon, Marc D., member, Energy Northwest Executive Board: SGA 9191
Davis, Jefferson S., member, South Puget Sound Community College Board of Trustees: SGA 9056
Dekay, Loretta S., member, Columbia River Gorge Commission: SGA 9085
Deller, Michael R., member, Everett Community College Board of Trustees: ***SGA 9051 (2019)**
Diaz, Olgly S., member, Pharmacy Quality Assurance Commission: SGA 9081
Dickinson, Marty J., regent, Washington State University: ***SGA 9216 (2019)**
Dietz, Alice E., member, Lower Columbia College Board of Trustees: ***SGA 9226 (2019)**
Dietzel, Greg , member, Bellevue College Board of Trustees: ***SGA 9103 (2019)**
Donner, Crystal, member, State Board for Community and Technical Colleges: ***SGA 9139 (2019)**
Downing, William, member, Public Disclosure Commission: ***SGA 9135 (2019)**
Drew, Kathleen, chair, Energy Facility Site Evaluation Council: SGA 9130
Drew, Steven J., member, South Puget Sound Community College Board of Trustees: ***SGA 9211 (2019)**
Durham, Angela M., member, Edmonds Community College Board of Trustees: ***SGA 9186 (2019)**
Endresen Scott, Chris G., member, Salmon Recovery Funding Board: ***SGA 9272 (2019)**
Eng, Jack S., member, Board of Industrial Insurance Appeals: SGA 9157
Entenman, Debra J., member, Renton Technical College Board of Trustees: ***SGA 9029 (2019)**
Epp, Gary, member, Central Washington University Board of Trustees: ***SGA 9237 (2019)**
Erickson, Ronald P., member, Central Washington University Board of Trustees: ***SGA 9017 (2019)**
Estes, Jeffrey C., member, State Board of Education: SGA 9159
Fairfield, Tara S., member, Women's Commission, Washington State: ***SGA 9198 (2019)**
Farrell, Timothy J., member, Board of Pilotage Commissioners: SGA 9265
Fennerty, Jr., Frank E., member, Board of Industrial Insurance Appeals: SGA 9000
Fenton, Michael J., member, Sentencing Guidelines Commission: SGA 9094
Ferreira, Teri L., member, Pharmacy Quality Assurance Commission: SGA 9025
Flores, Martha V., member, Wenatchee Valley College Board of Trustees: ***SGA 9008 (2019)**
Fraser, Karen, member, The Evergreen State College Board of Trustees: ***SGA 9213 (2019)**
Frost, Amy L., member, Professional Educator Standards Board: SGA 9074
Frost, Jordan, regent, Washington State University: ***SGA 9179 (2019)**
Gamboa, Guadalupe, member, Human Rights Commission: SGA 9034

Garrett, Ollie A., member, Liquor and Cannabis Board: SGA 9070
 George, Reginald, member, Washington State School for the Blind Board of Trustees: SGA 9145
 Gillis, Gladys T., member, Central Washington University Board of Trustees: SGA 9280
 Glasper, Marcus J., director, Lottery Commission - Agency Head: SGA 9167
 Gleasman, Phyllis L., member, Wenatchee Valley College Board of Trustees: ***SGA 9069 (2019)**
 Glenn Sayan, Marilyn, member, Public Employment Relations Commission: SGA 9064
 Golik, Tony F., member, Sentencing Guidelines Commission: SGA 9073
 Gordon, Bill, member, Columbia Basin College Board of Trustees: ***SGA 9045 (2019)**
 Gordon, Kimberly N., member, Sentencing Guidelines Commission: SGA 9095
 Grace, Claire, member, Higher Education Facilities Authority: ***SGA 9098 (2019)**
 Guenther, Judy, member, Lottery Commission: SGA 9099
 Guenther, Judy, member, Pharmacy Quality Assurance Commission: SGA 9024
 Hackney, George D., member, Human Rights Commission: SGA 9291
 Hartmann, Judith L., member, South Puget Sound Community College Board of Trustees: ***SGA 9107 (2019)**
 Hauge, Russell D., chair, Sentencing Guidelines Commission: SGA 9061
 Hauge, Russell D., member, Liquor and Cannabis Board: SGA 9067, SGA 9273
 Hepfer, Russell, member, Puget Sound Partnership Leadership Council: SGA 9013
 Hernandez, Sergio, member, Walla Walla Community College Board of Trustees: ***SGA 9118 (2019)**
 Hesselholt, Claire, member, Board of Tax Appeals: ***SGA 9260 (2019)**
 Heu-Weller, Merisa T., member, Bellevue College Board of Trustees: ***SGA 9248 (2019)**
 Hill, Steven R., member, Seattle College District Board of Trustees: SGA 9126
 Holland Young, Nancy J., member, Personnel Resources Board: ***SGA 9071 (2019)**
 Holland, Monica A., member, Women's Commission, Washington State: ***SGA 9199 (2019)**
 Holter, Sherer, member, Personnel Resources Board: SGA 9288
 Houser, William C., member, Sentencing Guidelines Commission: SGA 9182
 Huang, Grace, member, Women's Commission, Washington State: ***SGA 9196 (2019)**
 Indapure, Rituja, member, Women's Commission, Washington State: ***SGA 9200 (2019)**
 Jackson, Douglass L., member, Shoreline Community College Board of Trustees: ***SGA 9108 (2019)**
 Jackson, Kedrich, member, Columbia Basin College Board of Trustees: SGA 9114
 Jackson, Tamra L., member, Wenatchee Valley College Board of Trustees: SGA 9105
 Jacobs, Steve, member, Health Care Facilities Authority: SGA 9072
 Jacobsen, Jane L., member, Clark College Board of Trustees: SGA 9026
 Jaech, Jeremy, member, University of Washington Board of Regents: SGA 9233
 Jarrett, Fred, member, Public Disclosure Commission: SGA 9289
 Jensen, Elizabeth K., member, Pharmacy Quality Assurance Commission: SGA 9004
 Johnson, Dwayne G., member, Peninsula College Board of Trustees: ***SGA 9083 (2019)**
 Johnson, Glenn A., member, Community Colleges of Spokane Board of Trustees: SGA 9146
 Johnson, Rebecca M., member, Whatcom Community College Board of Trustees: SGA 9122
 Jones, Denise L., member, Lake Washington Institute of Technology Board of Trustees: ***SGA 9115 (2019)**
 Kallappa, Bill, member, State Board of Education: SGA 9277
 Kamphuis, Juanita J., member, Center for Childhood Deafness and Hearing Loss Board of Trustees: SGA 9201
 Karier, Thomas M., member, Northwest Power and Conservation Council: SGA 9020
 Kelly, D. Michael, member, Cascadia College Board of Trustees: SGA 9220
 Kenyon Jr., Kenneth W., member, Pharmacy Quality Assurance Commission: SGA 9082
 Keohokalole Schauer, Lisa T., regent, Washington State University: ***SGA 9244 (2019)**
 Kirtley, Eleanor K., member, Board of Pilotage Commissioners: SGA 9275
 Koon, Holly A., member, State Board of Education: SGA 9154
 Krombeen, Henrik, member, Board of Pilotage Commissioners: SGA 9261
 Kuschel, Judy F., member, State Investment Board: ***SGA 9160 (2019)**
 Lachney, Bruce L., trustee, Clover Park Technical College District No. 29: SGA 9022
 Lane, Jonathan M., member, Big Bend Community College Board of Trustees: SGA 9046
 Latimer, Michael S., member, Parks and Recreation Commission: SGA 9259
 Lee, Karen T., member, Washington Student Achievement Council: SGA 9040
 Lee, Karen T., member, Western Washington University Board of Trustees: SGA 9058
 Lehman, Russell, member, Public Disclosure Commission: SGA 9266

Leigh, Richard, member, Bellevue College Board of Trustees: SGA 9141
Lemley, Phillip R., member, Sentencing Guidelines Commission: SGA 9096
LeVine, Suzan, commissioner, Employment Security Department - Agency Head: ***SGA 9192 (2019)**
Levy, Alicia R., member, Gambling Commission: SGA 9162
Link, Gregory C., member, Sentencing Guidelines Commission: SGA 9214
Litt, Jerald (Jerry) R., member, Transportation Commission: ***SGA 9090 (2019)**
Lopez, Robert J., member, Horse Racing Commission: SGA 9009, SGA 9267
Lucatero, Flora E., member, Skagit Valley College Board of Trustees: ***SGA 9127 (2019)**
Lux, Thomas W., member, Shoreline Community College Board of Trustees: SGA 9234
Ly, Kathleena K., member, The Evergreen State College Board of Trustees: ***SGA 9180 (2019)**
Lynch, Timothy, member, Pharmacy Quality Assurance Commission: SGA 9168
Macomber, Everett, member, Horse Racing Commission: SGA 9065
MacPhee, Libby, member, University of Washington Board of Regents: ***SGA 9270 (2019)**
Mah, Doug, member, South Puget Sound Community College Board of Trustees: SGA 9030
Malloch, Steven, member, Chehalis Board: SGA 9076
Malte, Robert H., member, Lake Washington Institute of Technology Board of Trustees: SGA 9238
Malveaux, Regina, member, Women's Commission, Washington State: ***SGA 9193 (2019)**
Manning, Jay J., member, Eastern Washington University Board of Trustees: SGA 9144
Manning, Jay J., member, Puget Sound Partnership Leadership Council: SGA 9086
Mansy, Heather L., member, Lower Columbia College Board of Trustees: SGA 9060
Marchioro, Joan M., member, Pollution Control/Shoreline Hearings Board: SGA 9174
Markley, Greg B., member, State Investment Board: ***SGA 9268 (2019)**
Marsh, Lisa, member, Board of Tax Appeals: ***SGA 9077 (2019)**
Martin, Wayne J., member, State Board for Community and Technical Colleges: SGA 9010
Martin-Morris, Hairum J., member, State Board of Education: SGA 9163
Martinez, Mark P., member, Clover Park Technical College Board of Trustees: SGA 9282
Mason, Chelsea, member, State Board for Community and Technical Colleges: SGA 9269
Mathews, Dennis W., member, Washington State School for the Blind Board of Trustees: SGA 9215
Mattke, Mark, member, Workforce Training and Education Coordinating Board: SGA 9202
Maxwell, Jeramie, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9158
Maxwell, Michael S., member, Peninsula College Board of Trustees: SGA 9106
McClure, Neil A., member, Yakima Valley Community College Board of Trustees: SGA 9119
McCoy, Maia C., member, Sentencing Guidelines Commission: SGA 9165
McCulloch, Julie, member, Peninsula College Board of Trustees: SGA 9021
McDaniel, Janet M., member, Cascadia College Board of Trustees: SGA 9104
McDaniel, Nancy L., member, Washington State School for the Blind Board of Trustees: SGA 9221
McDevitt, James A., member, Clemency and Pardons Board: SGA 9292
McFadden, Charles S., member, Big Bend Community College Board of Trustees: SGA 9222
McLerran, Dennis J., member, Puget Sound Partnership Leadership Council: SGA 9188
McQuary, Donald R., member, Walla Walla Community College Board of Trustees: SGA 9116
McVicker, Carol J., member, State Board for Community and Technical Colleges: ***SGA 9170 (2019)**
Mendoza, Rosalinda, member, Yakima Valley Community College Board of Trustees: ***SGA 9149 (2019)**
Merriweather, Michelle Y., member, Women's Commission, Washington State: ***SGA 9205 (2019)**
Meyer, John M., member, Western Washington University Board of Trustees: SGA 9014
Miller, Cheryl A., member, Olympic College Board of Trustees: SGA 9129
Miller, Toraya, member, Everett Community College Board of Trustees: ***SGA 9011 (2019)**
Milne, Michelle L., member, Professional Educator Standards Board: SGA 9276
Mitsunaga, Darrell S., member, Lake Washington Institute of Technology Board of Trustees: SGA 9033
Morrow, Joedy R., member, Bellevue College Board of Trustees: SGA 9187
Moss, Heather, member, Bates Technical College Board of Trustees: ***SGA 9212 (2019)**
Moss, Jim, member, Energy Northwest Executive Board: SGA 9183
Murphy, James M., member, Eastern Washington University Board of Trustees: SGA 9223
Murray III, Lowell T., member, Puget Sound Partnership Leadership Council: SGA 9175
Navas, Sharonne A., member, Green River College Board of Trustees: SGA 9117
Nellams, Robert L., member, Central Washington University Board of Trustees: ***SGA 9062 (2019)**

Norman, Guy R., member, Northwest Power and Conservation Council: SGA 9066
Norris, Vickie K., member, Everett Community College Board of Trustees: ***SGA 9172 (2019)**
Oshie, Patrick J., member, Northwest Power and Conservation Council: SGA 9285
Page, Allyson, member, Columbia Basin College Board of Trustees: SGA 9255
Palmer, Susan A., member, Renton Technical College Board of Trustees: SGA 9052
Parker, David, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9227
Pastor, Paul A., member, Sentencing Guidelines Commission: SGA 9257
Patnode, Jeff A., member, Indeterminate Sentence Review Board: SGA 9290
Patterson, Julia L., member, Gambling Commission: ***SGA 9169 (2019)**
Pearman-Gillman, Kim, member, Eastern Washington University Board of Trustees: SGA 9156
Pearsall-Stipek, Cathy R., member, Bates Technical College Board of Trustees: SGA 9015
Pedersen, Kenneth J., member, Public Employment Relations Commission: SGA 9284
Pedlow, John W., member, Whatcom Community College Board of Trustees: SGA 9018
Pellham, Clara R., member, Shoreline Community College Board of Trustees: ***SGA 9036 (2019)**
Peralta, Rosa, member, Seattle College District Board of Trustees: ***SGA 9131 (2019)**
Perez, Diana H., member, Parks and Recreation Commission: SGA 9142
Pettis, Faith L., member, Western Washington University Board of Trustees: SGA 9240
Pierini, Arlene M., member, Green River College Board of Trustees: SGA 9229
Pitre, Paul E., member, State Board of Education: ***SGA 9262 (2019)**
Pollard, Royce E., member, Clark College Board of Trustees: SGA 9047
Pritchard, Faaluaina S., member, Clover Park Technical College Board of Trustees: SGA 9053
Ragle, Claude A., member, Horse Racing Commission: SGA 9274
Rains, Dawn E., member, Women's Commission, Washington State: ***SGA 9204 (2019)**
Raiter, George, member, Lower Columbia College Board of Trustees: ***SGA 9173 (2019)**
Ramirez, Citlaly P., member, Western Washington University Board of Trustees: ***SGA 9176 (2019)**
Rasmussen, Timothy, member, Small Business Export Finance Assistance Center Board of Directors: SGA 9048
Redman, Heather B., regent, Washington State University: ***SGA 9111 (2019)**
Reich, Jay A., member, State Board for Community and Technical Colleges: SGA 9038
Restucci, James A., member, Transportation Commission: ***SGA 9194 (2019)**
Reyes, Susana, member, State Board of Education: SGA 9283
Rivard, Bethany S., member, Professional Educator Standards Board: SGA 9087
Robinson, Randy J., member, Housing Finance Commission: SGA 9140
Rogoff, Roger S., member, Sentencing Guidelines Commission: SGA 9209
Ronayne, Matthew P., member, Pharmacy Quality Assurance Commission: SGA 9037
Rushford, Jane E., member, Liquor and Cannabis Board: SGA 9031
Ryan, Robert M., member, Tacoma Community College Board of Trustees: SGA 9109
Sahlstrom, Skylee, member, Human Rights Commission: SGA 9151
Salvesen, Rhonda, member, Clemency and Pardons Board: SGA 9256
Savusa, Fiasili L., member, Highline College Board of Trustees: SGA 9166
Scheibmeir, Mark C., member, Centralia College Board of Trustees: ***SGA 9125 (2019)**
Scragg, John C., member, Board of Pilotage Commissioners: SGA 9136
Serebrin, Hester, member, Transportation Commission: ***SGA 9019 (2019)**
Shaffer, Catherine, member, Sentencing Guidelines Commission: SGA 9206
Sharpe, Susan K., member, Western Washington University Board of Trustees: SGA 9217
Sharratt, Gene C., member, Higher Education Facilities Authority: SGA 9097
Shiosaki, Michael S., member, Recreation and Conservation Funding Board: ***SGA 9132 (2019)**
Shuman, Patricia E., member, Tacoma Community College Board of Trustees: SGA 9254
Sieg, Michael, member, Pharmacy Quality Assurance Commission: SGA 9078
Sims, Ron, regent, Washington State University: SGA 9210
Skinner, Christon C., member, Skagit Valley College Board of Trustees: SGA 9054
Smith, Bradley F., member, Bellingham Technical College Board of Trustees: SGA 9161
Smith, Stephen L., member, Pierce College Board of Trustees: SGA 9147
Soleimanpour, Sepi, member, Pharmacy Quality Assurance Commission: SGA 9028
Solien, Stephanie M., member, Puget Sound Partnership Leadership Council: SGA 9133
Speer, Paul B., member, Clark College Board of Trustees: SGA 9245

Stark, Brent L., member, Washington State School for the Blind Board of Trustees: SGA 9239
 Stearns, Chris, member, Gambling Commission: SGA 9012
 Stredwick, Thomas R., member, Big Bend Community College Board of Trustees: SGA 9113
 Strong, Charlene D., member, Human Rights Commission: SGA 9100
 Strong, Rekah T., member, Clark College Board of Trustees: SGA 9120
 Sullivan, Jeromy C., member, Salmon Recovery Funding Board: SGA 9185
 Taylor, Eli , member, Clover Park Technical College Board of Trustees: SGA 9264
 Taylor, Teresa N., member, Whatcom Community College Board of Trustees: SGA 9241
 Terpstra, "Gidget" Jennie H., member, Shoreline Community College Board of Trustees: SGA 9249
 Thal, Spencer N., member, Public Employment Relations Commission: SGA 9243
 Thew, Elizabeth (Beth) J., member, Community Colleges of Spokane Board of Trustees: SGA 9218
 Thew, Elizabeth (Beth) J., member, Workforce Training and Education Coordinating Board: SGA 9197
 Thomas, Luke E., member, Professional Educator Standards Board: SGA 9016
 Thorstensen, Hoang-Uyen T., member, Pharmacy Quality Assurance Commission: SGA 9080
 Tortorelli, Joe M., member, Transportation Commission: SGA 9003
 Troyer, Edward C., member, Gambling Commission: SGA 9150
 Tunheim, Jon J., member, Sentencing Guidelines Commission: SGA 9101
 Unti, Brian K., member, Renton Technical College Board of Trustees: ***SGA 9112 (2019)**
 van der Lugt, Lisa, director, Office of Minority and Women's Business Enterprises - Agency Head: SGA 9195
 Vander Stoep, J. A., member, Chehalis Board: SGA 9075
 Wamsley, Demie, member, Eastern Washington University Board of Trustees: SGA 9184
 Warren, William W., member, Walla Walla Community College Board of Trustees: SGA 9250
 Weaver, James, chief information officer, Washington Technology Solutions - Agency Head: SGA 9263
 Weldele-Wallace, Sidney, member, Center for Childhood Deafness and Hearing Loss Board of Trustees: SGA 9152
 West, Maureen P., member, Western Washington University Board of Trustees: SGA 9035
 Wettack, Tim G., member, Sentencing Guidelines Commission: SGA 9208
 Whaley, Robert H., member, Eastern Washington University Board of Trustees: SGA 9155
 Whang, Frederick P., member, State Board for Community and Technical Colleges: SGA 9039
 Wilcox Jr., James T., member, Puget Sound Partnership Leadership Council: SGA 9088
 Wildfong, Laura S., member, Lake Washington Institute of Technology Board of Trustees: SGA 9092
 Willhite, Theodore R., member, Recreation and Conservation Funding Board: ***SGA 9134 (2019)**
 Williams, Robert M., member, Seattle College District Board of Trustees: ***SGA 9235 (2019)**
 Willis, Brett R., member, Pierce College Board of Trustees: SGA 9228
 Wilson, Vicki J., member, Eastern Washington University Board of Trustees: SGA 9225
 Winmill, Marissa, member, Professional Educator Standards Board: SGA 9281
 Wise, Neil L., member, Pollution Control/Shorelines Hearings Board: SGA 9137
 Withrow, Harold W., member, Clover Park Technical College Board of Trustees: SGA 9027
 Wolf, Katherine E., member, Pharmacy Quality Assurance Commission: SGA 9079
 Wood, Doris, member, Centralia College Board of Trustees: ***SGA 9110 (2019)**
 Yoshihara, Steven H., member, Community Colleges of Spokane Board of Trustees: SGA 9242
 Young, Deborah C., member, Transportation Commission: ***SGA 9041 (2019)**
 Zeeck, David, member, University of Washington Board of Regents: ***SGA 9143 (2019)**
 Zhou, Kaitlyn, member, University of Washington Board of Regents: ***SGA 9177 (2019)**
 Zuckerman, Ed, member, The Evergreen State College Board of Trustees: SGA 9286

HAZARDOUS MATERIALS (See also WATER; WATER POLLUTION)

Carcinogens, firefighter exposure reduction: SB 5175
 Chemicals, priority, reducing use in consumer products: SB 5135
 Hydrofluorocarbons and substitutes, prohibitions and alternatives: ***E2SHB 1112, CH 284 (2019)**, SB 5426
 Nuclear material, Hanford site, healthy energy workers board, establishing: SB 5627
 Nuclear material, Hanford site, occupational disease presumption for cancer: ***HB 1490, CH 108 (2019)**, SB 5507
 Oil transport, risk model, vessel restrictions, tug escorts, and response system: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Oil, type and gravity of crude oil: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Oil, vapor pressure of crude oil: SB 5579
 Petroleum/petrochemicals, high hazard facilities, advanced safety training at: ***ESHB 1817, CH 306 (2019)**, SB 5698
 Removal or clean-up actions, by fire protection jurisdictions, cost recovery: EHB 1169

Trains, hazardous material, minimum crew requirements: HB 1841, SB 5877

HAZARDOUS WASTE

Clean-up or removal actions, by fire protection jurisdictions, cost recovery: EHB 1169
 Industrial waste coordination program and waste heat/materials use projects: SB 5936
 Model toxics control act, actions under: ***SHB 1290, CH 95 (2019)**, SB 5285
 Model toxics control reform act, model toxics control program financial structure: SB 5993
 Paint, architectural, stewardship program for: ***SHB 1652, CH 344 (2019)**
 Plastic carryout bags, single-use, alternatives to: SB 5323
 Plastic food packaging and food service and film products, degradability: ***ESHB 1569, CH 265 (2019)**
 Plastic food service products, single-use, prohibitions: ***ESHB 1569, CH 265 (2019)**
 Plastic packaging, prohibitions and stewardship programs: SB 5397
 Plastic pollution prevention, marine, requesting action via new trade agreements with China: SJM 8009
 Voluntary cleanups, of facilities, independent remedial actions: ***SHB 1290, CH 95 (2019)**, SB 5285

HEALTH AND SAFETY, PUBLIC (See also ABORTION; AIR QUALITY AND POLLUTION; ANIMALS; CHILDREN; CONVEYANCES; DEATH; DOMESTIC RELATIONS; DRUGS; ENVIRONMENT; HAZARDOUS MATERIALS; HEALTH CARE; HUMAN REMAINS; MENTAL HEALTH; SCHOOLS AND SCHOOL DISTRICTS; SOLID WASTE; VETERINARIANS; WATER; WATER POLLUTION)

AIDS, repealing various statutes concerning: SB 5562
 Andy Hill cancer research fund, funds use: SB 5986
 Blood-borne pathogens, program for reducing incidence: SB 5562
 Breast milk, expressing, employer accommodation of: ***SHB 1930, CH 134 (2019)**, SB 5911
 Communicable diseases, sexually transmitted or blood-borne, controlling: SB 5562
 Concussions, in youth sports, informational web site: SB 5238
 Contraception, reproductive health care access for all act: SB 5602
 Diabetes, insulin drugs for, wholesale price increase notification: SB 5371
 Diabetes, manicuring for diabetic client, manicurist requirements: ESB 5616
 Eyes, scleral tattooing, prohibiting performing of: ***SHB 1856, CH 307 (2019)**
 Female genital mutilation, performing, as unprofessional conduct, when: SB 5257
 Health sciences and services authorities, sales/use tax authority: SB 5452
 Health sciences and services authorities, sales/use tax authority, extending: ***SB 5596, CH 464 (2019)**
 Health sciences and services authority, designation as, application due date: SB 5452
 HIV, program for controlling sexually transmitted and blood-borne diseases: SB 5562
 HIV, testing requirements, removing various: SB 5562
 Immunization, of children, personal or philosophical exemption, removing: ***EHB 1638, CH 362 (2019) PV**, SB 5841
 Immunization, proof of immunity: ***EHB 1638, CH 362 (2019) PV**, SB 5365
 Immunization, side effects, design defect claims against manufacturers: SJM 8012
 Indians, Washington Indian health improvement act: ***SB 5415, CH 282 (2019)**
 Maternal mortality reviews and data-sharing: SB 5425
 Measles outbreak, 2019 Clark county, budget stabilization account appropriations: SB 6009
 Public health, foundational services, defining and funding: ***2SHB 1497, CH 14 (2019)**, SB 5732
 Records, health care information, provider or facility disclosure, when: SB 5660
 Records, vital records system, single comprehensive state: SB 5332
 Reproductive health care, hospital access to care policies: SHB 1686
 Reproductive health services, as sensitive health care services: SB 5889
 Safety, youth recreational organizations, certified child safety policy: SB 5161
 Sexual health education, in schools, comprehensive: SB 5395
 Sexually transmitted diseases, health care for, as sensitive services: SB 5889
 Sexually transmitted diseases, program for reducing incidence: SB 5562
 Traumatic brain injuries, account, traffic offense fee deposits into/use of: SB 5126, SB 5127
 Traumatic brain injuries, in domestic violence cases, handout and web site: ***ESB 5573 (2019) V**
 Traumatic brain injuries, in domestic violence cases, handout and website: ***SHB 1532, CH 110 (2019)**
 Traumatic brain injuries, screenings for children entering foster care system: ***SHB 1605, CH 120 (2019)**, SB 5586
 Traumatic brain injury strategic partnership advisory council, Washington, role of: ***SHB 1532, CH 110 (2019)**
 Vaccination, of children, personal or philosophical exemption, removing: ***EHB 1638, CH 362 (2019) PV**, SB 5841

Vaccination, proof of immunity: ***EHB 1638, CH 362 (2019) PV**, SB 5365
 Vaccination, side effects, design defect claims against manufacturers: SJM 8012
 Vital records and statistics, single comprehensive state system: SB 5332
 Vital statistics, abbreviated death certificates, requesting: ESHB 1799

HEALTH CARE (See also ABORTION; DRUGS; HEALTH AND SAFETY, PUBLIC; HEALTH CARE FACILITIES; HEALTH CARE PROFESSIONS AND PROVIDERS; INSURANCE; LAW ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL; PHARMACIES AND PHARMACISTS; VICTIMS OF CRIMES; WOMEN)

Advance directives, in natural death act: ***EHB 1175, CH 209 (2019)**
 End-of-life care, hospital access to care policies: SHB 1686
 Eye care, prescriptions and remote technology: SB 5759
 Health trust, whole Washington, creating: SB 5222
 Hearing instruments, bluetooth and telecoil assistive technologies: ***ESB 5210, CH 183 (2019)**
 Hearing instruments, current assistive technologies: ***ESB 5210, CH 183 (2019)**
 Informed consent for incompetent persons, authority to provide: ***EHB 1175, CH 209 (2019)**
 Mastectomies, contralateral prophylactic, insurance coverage: SB 5345
 Medical debt, exemption from execution, attachment, and garnishment, when: ***SHB 1602, CH 371 (2019)**, SB 5530
 Medical debt, protections for debtors: ***SHB 1531, CH 227 (2019)**
 Needling, intramuscular, by physical therapists: SB 5642
 Organ transplants, denying due to physical or mental disability, prohibition: SB 5405
 Patient protection and affordable care act, federal, codifying provisions of: ***SHB 1870, CH 33 (2019)**, SB 5805
 Pelvic examinations, informed consent: SB 5282
 Reproductive health care access for all act: SB 5602
 Reproductive health care, hospital access to care policies: SHB 1686
 Reproductive health services, as sensitive health care services: SB 5889
 Telehealth training/treatment program for at-risk youth, UW/Project ECHO role: SB 5389
 Telemedicine and store/forward technology, payment parity for: SB 5385
 Telemedicine and store/forward technology, physician credentialing: ***SB 5387, CH 49 (2019)**
 Telemedicine, providing services via, provider training: SB 5386
 Treatment, high-annual-cost, emerging therapies work group, establishing: SHB 1869
 Universal health care system, establishment, work group on: SB 5822
 Vision care, prescriptions and remote technology: SB 5759

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Behavioral health services, children's mental health, HCA role: SB 5903
 Behavioral health services, performance measures and value-based purchasing: SB 5056
 Behavioral health, full integration implementation, HCA role: SB 5432
 Commitment, involuntary, community and state hospital care, work group: SB 5432
 Health benefit exchange, standardized health plans, HCA role: E2SHB 1523, SB 5526
 Health care claims, statewide all-payer database, transfer to HCA: 2SHB 1776, SB 5741
 Interpreter services, for sensory-impaired public assistance applicants: ***SB 5558, CH 152 (2019)**
 Long-term care, insurance benefit for, HCA role: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Managed care organizations, medicaid client services, performance analysis: SB 5523
 Managed care, psychiatric, integrative capitation risk model: SB 5045
 Opioid use disorder, individuals with, and their newborns, HCA treatment role: SB 5380
 Opioid use disorder, provisions, HCA role: SB 5380
 Pacific islanders, COFA citizens, dental coverage for, HCA role: ***ESB 5274, CH 311 (2019) PV**
 Peer support counselor certification program, transfer to DOH, sunrise review of: ***2SHB 1907, CH 446 (2019)**
 Performance measures coordinating committee, behavioral health role of: SB 5056
 Prescription drugs, cost transparency, HCA role: ***E2SHB 1224, CH 334 (2019)**, SB 5251
 Public employees' benefits board, educational service district employees: ***ESHB 2140, CH 411 (2019)**
 Public employees' benefits board, medicare-eligible retiree premiums: SB 5469
 Public employees' benefits board, nonvoting member from OIC, adding: HB 1220, SB 5275
 Public employees' benefits board, part-time employee affordable options: SB 6011
 Public employees' benefits board, retired/disabled school employee coverage: SB 5686

School employees' benefits board, educational service district employees: ***ESHB 2140, CH 411 (2019)**
 School employees' benefits board, part-time employee affordable options: SB 6020
 School employees' benefits board, repealing, adding district/low-cost options: SB 6011
 Substance use disorder, recovery residences registry/certification, HCA role: ***2SHB 1528, CH 264 (2019)**
 Telemedicine and store/forward technology, PEBB/SEBB plans payment parity: SB 5385

HEALTH CARE FACILITIES (See also ABORTION; HOSPITALS; MENTAL HEALTH)

Ambulatory surgical facilities, certificate of need exemption, when: ***EHB 1777, CH 31 (2019)**
 Ambulatory surgical facilities, department of health role: SB 5906
 Ambulatory surgical facilities, licensing/renewal fees, establishment: SB 5906
 Ambulatory surgical facilities, workplace violence protections requirements: ***SHB 1931, CH 430 (2019)**, SB 5912
 Behavioral health facility admission from single bed certification, as priority: SB 6024
 Birthing, childbirth, and birth centers, definition and licensing: SB 5256
 Community facilities, for behavioral health care, capital improvements bonds: SB 5537
 Community facilities, for behavioral health care, new facility types: ***2SHB 1394, CH 324 (2019)**, SB 5431
 Community facilities, long-term psychiatric treatment role of: SB 5045
 Community facilities, mental health drop-in center services pilot program: ***2SHB 1394, CH 324 (2019)**
 Community facilities, mental health peer respite centers: ***2SHB 1394, CH 324 (2019)**
 Community facilities, state mental health placements to: SB 5041
 Employees, meal and rest breaks and overtime: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373
 Employees, on prescheduled on-call: SB 5344, SB 5373, SB 6018
 Enhanced services facilities, as health care facilities for background checks: ESHB 1565, SB 5568
 Providers, out-of- and in-network, requirements: ***2SHB 1065, CH 427 (2019)**, SB 5031, SB 5699
 Providers, within practice scope and care standards, care entity restrictions: SB 5542
 Security guards, workplace violence prevention training: ***SHB 1931, CH 430 (2019)**, SB 5912
 Teaching/training facility, inpatient care, U. of Washington report on siting of: ***E2SHB 1593, CH 323 (2019)**
 Violence, protecting employees and volunteers from, plans and training for: ***SHB 1931, CH 430 (2019)**, SB 5912
 Whistleblower protections, various facilities: ***SHB 1049, CH 62 (2019)**, SB 5401

HEALTH CARE PROFESSIONS AND PROVIDERS (See also ALCOHOL AND DRUG ABUSE; COUNSELORS AND COUNSELING; DENTISTS AND DENTISTRY; DRUGS; HEALTH AND SAFETY, PUBLIC; INSURANCE; MENTAL HEALTH; PHARMACIES AND PHARMACISTS; PSYCHIATRY AND PSYCHIATRISTS; PSYCHOLOGISTS; SCHOOLS AND SCHOOL DISTRICTS; VETERINARIANS)

Athletic trainers, regulatory provisions: SB 5688
 Audiologists, bluetooth and telecoil assistive technology materials for: ***ESB 5210, CH 183 (2019)**
 Audiologists, current hearing assistive technology materials: ***ESB 5210, CH 183 (2019)**
 Cardiovascular invasive specialists, provisions: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373, SB 6018
 Chiropractors, adjustments by regular senior students: ***SB 5817, CH 405 (2019)**
 Chiropractors, health professional conditional scholarship program eligibility: ***E2SHB 2158, CH 406 (2019)**
 East Asian medicine, renaming as "acupuncture or Eastern medicine": ***SHB 1865, CH 308 (2019)**, SB 5794
 East Asian medicine, scope of practice and education/training: ***SHB 1865, CH 308 (2019)**, SB 5794
 Employees of facilities, meal and rest breaks and overtime for various: ***SHB 1155, CH 296 (2019)**, SB 5190, SB 5373, SB 6018
 Employees of facilities, on prescheduled on-call: SB 5344, SB 5373, SB 6018
 Eyes, scleral tattooing, prohibiting performing of: ***SHB 1856, CH 307 (2019)**
 Facility medical staff, whistleblower protections and sanction process: ***SHB 1049, CH 62 (2019)**, SB 5401
 Fee-setting for professions, public role in rule-making process: ***HB 1753, CH 303 (2019)**
 Female genital mutilation, performing, as unprofessional conduct, when: SB 5257
 Hearing aid dispensers, bluetooth and telecoil assistive technology materials for: ***ESB 5210, CH 183 (2019)**
 Hearing aid dispensers, current hearing assistive technology materials: ***ESB 5210, CH 183 (2019)**
 Massage therapy, licensed therapist practice of: SHB 1082, SB 5097
 Medical school graduates, international, assistance program and committee: SB 5846
 Medical school graduates, international, residency programs: SB 5846
 Music therapists, licensing of, and advisory committee: SB 5485
 Naturopathy, legend drug and controlled substance prescribing: SB 5752
 Nurses, ARNPs, granting of privileges by hospital: ***HB 1432, CH 104 (2019)**, SB 5648

Nurses, ARNPs, insurance reimbursement at physician level: SB 5647
 Nurses, interstate commission of nurse licensure compact administrators: SB 5460
 Nurses, LPNs and RNs, meal and rest breaks and overtime: *SHB 1155, CH 296 (2019), SB 5190, SB 5373, SB 6018
 Nurses, multistate licensing of, interstate nurse licensure compact of 2019: SB 5460
 Nurses, nurse educator incentive grant program, establishing: SB 5931
 Nurses, RNs and ARNPs, professional practice by student, when: *HB 1726, CH 270 (2019)
 Nurses, RNs, meal and rest breaks and overtime: SB 5344
 Nursing assistants, certified, provisions: *SHB 1155, CH 296 (2019), SB 5190, SB 5373, SB 6018
 Opioid prescribing, requirements: SB 5380
 Osteopathic physician assistants, repealing separate chapter for: SB 5411
 Osteopathy, professional practice by student, when: *HB 1726, CH 270 (2019)
 Out-of-network providers at facilities, unexpected costs, protections against: *2SHB 1065, CH 427 (2019), SB 5031, SB 5699
 Paramedics, training program use of live animals, prohibitions: SB 5211
 Pelvic examinations, by health care providers, informed consent: SB 5282
 Phlebotomists, forensic, statutory minimum qualifications, removing: ESHB 1504
 Physical therapists, intramuscular needling: SB 5642
 Physician assistants, granting of privileges by hospital: *HB 1432, CH 104 (2019), SB 5648
 Physician assistants, modernizing practice of: SB 5411
 Physicians, professional practice by student, when: *HB 1726, CH 270 (2019)
 Primary care, medicaid services by, medicare payment rate floor: SB 5319
 Provider networks, health insurance enrollee protections: SB 5780
 Provider organizations, material changes to, notice of: *SHB 1607, CH 267 (2019)
 Providers, provision of information to patient regarding death with dignity act: SB 5542
 Providers, within practice scope and care standards, care entity restrictions: SB 5542
 Radiologic technologists, diagnostic, provisions: *SHB 1155, CH 296 (2019), SB 5190, SB 5373, SB 6018
 Reflexology, certified reflexologist practice of: SHB 1082, SB 5097
 Respiratory care practitioners, provisions: *SHB 1155, CH 296 (2019), SB 5190, SB 5373, SB 6018
 Sexual misconduct, providers sanctioned for, notifying patients: *SHB 1198, CH 69 (2019)
 Students, professional practice by, when: *HB 1726, CH 270 (2019)
 Surgical technologists, provisions: *SHB 1155, CH 296 (2019), SB 5190, SB 5373, SB 6018
 Telehealth training/treatment program to aid at-risk students, provider role: SB 5389
 Telemedicine and store/forward technology, physician credentialing: *SB 5387, CH 49 (2019)
 Telemedicine, providing services via, provider training: SB 5386
 Trainers, athletic, regulatory provisions: SB 5688
 Vision care, prescriptions and remote technology: SB 5759
 Washington health corps initiative, professionals in underserved areas via: *2SHB 1668, CH 302 (2019)

HEALTH DEPARTMENTS, LOCAL (See also HEALTH, DEPARTMENT)

Communicable diseases, sexually transmitted or blood-borne, controlling: SB 5562
 Fitness centers, safety and sanitation, role of local health officers: SB 5553
 On-site sewage systems, department easement requirement, prohibiting: *SB 5503, CH 21 (2019) PV

HEALTH, DEPARTMENT (See also ABORTION; ALCOHOL AND DRUG ABUSE; DRUGS; HEALTH AND SAFETY, PUBLIC; HEALTH CARE; HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH)

Ambulatory surgical facilities, regulatory program for, modifications: SB 5906
 Behavioral health, full integration implementation, DOH role: SB 5432
 Boards and commissions, opioid prescribing by health care professionals: SB 5380
 Dental quality assurance commission, dental therapy and therapists: SB 5392
 Emergency medical services data system, electronic, establishing: SB 5380
 Fee-setting for health care professions, public role in rule-making process: *HB 1753, CH 303 (2019)
 Maternal mortality review panel, reviews and data-sharing: SB 5425
 Measles outbreak, 2019 Clark county, budget stabilization account appropriations: SB 6009
 Medical quality assurance commission, renaming as medical commission: HB 1548, *SB 5764, CH 55 (2019)
 Medical school graduates, international, full use of, studying: SB 5846
 Peer support counselor certification program, transfer to DOH, sunrise review of: *2SHB 1907, CH 446 (2019)

Pharmacy quality assurance commission, nonresident pharmacy licensure: ***HB 1412, CH 25 (2019)**, SB 5459
 Public health, foundational services, defining and funding: ***2SHB 1497, CH 14 (2019)**, SB 5732
 Vital records and statistics, single comprehensive state system, DOH role: SB 5332
 Women, infant, and children farmers market nutrition program, fruit/vegetable benefit: SB 5583

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Fitness centers, safety and sanitation, board role: SB 5553

HEATING AND HEATERS

Solid fuel burning devices, fee on each retail sale of: SB 5697
 Solid fuel burning devices, particulate air contaminant emission standard: SB 5697
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 Woodstoves, education and enforcement, revenues to fund: SB 5697

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Legislative buildings, display of art and exhibits in, program for: SB 5869

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Dolores Huerta day, April 10 as: ***HB 1906, CH 10 (2019)**, SB 5868
 Filipino American history month, establishing: ***SB 5865, CH 283 (2019)**
 Kindergarten, month of the, September as: SB 5028
 LGBTQ pride month, June as: SB 5356
 Public holidays, excluding from regular legislative session: SJR 8203
 Public lands day, designating: ***HB 1449, CH 224 (2019)**

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Children, homeless, early childhood education and assistance eligibility: SB 5820
 Children, homeless, working connections child care eligibility: SB 5820
 Encampments, establishing near school or early learning facility, prohibiting: SB 5882
 Encampments, safe parking, small houses, and shelters, provisions: SB 5644
 Facilities for homeless persons, tax revenue use for: ***EHB 1219, CH 73 (2019) PV**, SB 5195
 Homeless client management information system, use of: SB 5644
 Housing and assistance, local homeless, document-recording surcharges for: ***ESHB 1667, CH 372 (2019)**, ***HB 1980, CH 136 (2019)**, ***ESHB 2015, CH 448 (2019)**, SB 5667, SB 5769, SB 5898, SB 5902
 Identicards, for homeless persons: SB 5664
 Job opportunities, local beautification projects pilot program: SB 5261
 Personal care services, for seniors and persons with disabilities, pilot project: SB 5839
 Religious organizations, hosting the homeless, prohibitions/requirements: SB 5644
 Services for homeless, priority when proof of residency in local jurisdiction: SB 5722
 Shelters, for homeless, prevailing wages for construction: ***HB 1743, CH 29 (2019)**, SB 5766
 Students, homeless, college assistance pilot program for: SB 5800
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 Students, homeless, identifying and providing with housing, grant programs: SB 5324
 Temporary shelters or transitional encampments, SEPA exemption, when: SB 5946
 Youth, homeless youth prevention and protection programs, office of, role: SB 5744
 Youth, homeless, HOPE centers and outreach services for street youth: ***HB 1657, CH 124 (2019)**, SB 5470

HOMES AND HOUSING (See also BUILDING CODES AND PERMITS; HOMELESS PERSONS; HOUSING FINANCE COMMISSION; LANDLORD AND TENANT; LOW-INCOME PERSONS; MANUFACTURED HOUSING AND MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; RECORDS; TAXES - PROPERTY)

Affordable housing, city and county real estate sales excise tax for: SB 5357
 Affordable housing, construction of, prevailing wages for: ***HB 1743, CH 29 (2019)**, SB 5766
 Affordable housing, development on religious organization property: ***SHB 1377, CH 218 (2019)**, SB 5358
 Affordable housing, document recording surcharge: ***E2SHB 1923, CH 348 (2019)**
 Affordable housing, federal low-income housing credit program, cost data: SB 5361
 Affordable housing, housing affordability zones in urban growth areas: SB 5802

Affordable housing, housing assistance program, cost data: SB 5361
 Affordable housing, light rail station urban density standards exemption: SB 5424
 Affordable housing, limited areas of more intensive rural development for: SB 5193
 Affordable housing, local sales and use tax revenues for: ***SHB 1406, CH 338 (2019)**, SB 5646
 Affordable housing, low-, very low-, and extremely low-income households: ***E2SHB 1923, CH 348 (2019)**, SB 5440
 Affordable housing, multifamily in rural counties, property tax exemption: SB 5739
 Affordable housing, multiple-unit in urban centers, property tax exemption: SB 5363, SB 5366
 Affordable housing, real estate excise sales tax revenue for: SB 5582
 Affordable housing, residential parking requirements, when: ***E2SHB 1923, CH 348 (2019)**
 Affordable housing, supporting via GMA planning: ***E2SHB 1923, CH 348 (2019)**, SB 5193
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 Affordable housing, transit supportive densities in residential targeted areas: SB 5353
 Affordable workforce housing, modifying definition for revenue use purposes: HB 2110
 Child welfare housing assistance program and stakeholder group, establishing: SB 5718
 Common interest communities, construction defect actions against professionals: SHB 1576
 Condominium associations, assessments by, late payment: SB 5168
 Condominium associations, construction defect actions, prior to board action: SHB 1576
 Condominium associations, liability provisions: ***ESB 5334, CH 238 (2019)**
 Condominiums, construction warranties: SB 5219
 Condominiums, individual unit metering for water/sewer utilities: SB 5775
 Dwelling units, accessory, creating within urban growth areas: SB 5812
 Dwellings for elderly/infirm, substantial development exclusion under SMA: SB 5152
 Factory built housing, inspection by qualified inspection agencies: ***HB 1486, CH 165 (2019)**, SB 5756
 Homeless housing and assistance, local, document-recording surcharges for: ***ESHB 1667, CH 372 (2019), *HB 1980, CH 136 (2019), *ESHB 2015, CH 448 (2019)**, SB 5667, SB 5769, SB 5898, SB 5902
 Homeless housing, for students and their families, grant program: SB 5324
 Homeowners' associations, assessments by, late payment: SB 5168
 Homeowners' associations, construction defect actions, prior to board action: SHB 1576
 Homeowners' associations, office of ombuds, establishing: SB 5302
 Homeowners, with children in private schools, state property tax exemption: SB 5758
 Homeownership development, by cooperative association, tax exemption: ***ESHB 1107, CH 361 (2019)**, SB 5289
 Homeownership preservation, state property tax exemption: SB 5390
 Homeownership projects, funding from housing trust fund: SB 5746
 Housing, development of, certain tax revenue for: SB 5788, SB 5952
 Housing, permanent supportive, cities to allow, when: ***E2SHB 1923, CH 348 (2019)**
 Housing, rental voucher for certain incarcerated offenders: SB 5441
 Housing, variety and balance in urban growth areas of: SB 5194
 Juvenile in rehabilitation facility, release plan for housing, or rental voucher: SB 5700
 Rentals, multiunit, individual unit metering for water/sewer utilities: SB 5775
 Rentals, short-term rental operators and platforms, requirements: ***SHB 1798, CH 346 (2019)**, SB 5870
 Residential building capacity and housing affordability, increasing under GMA: ***E2SHB 1923, CH 348 (2019)**
 Self-help housing, development and sales, tax exemptions: SHB 1168, SB 5025
 Smoke detection devices, requirements: SB 5284
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 Tiny house communities, siting of: SB 5384
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 Tiny house, tiny house with wheels, and tiny house communities, definitions: SB 5384
 Tiny houses, and tiny houses with wheels, siting of: SB 5383
 Weatherization and rehabilitation of homes, low-income, prevailing wages for: ***HB 1743, CH 29 (2019)**, SB 5766

HORSES (See also ANIMALS)

Police animals, including horses, harming, class B felony when animal killed: SB 5614

HOSPITALS (See also HEALTH CARE FACILITIES; MENTAL HEALTH)

Access to care, policies for, hospitals to submit: SHB 1686

Community facilities, for behavioral health care, capital improvements bonds: SB 5537

Community facilities, for behavioral health care, new facility types: ***2SHB 1394, CH 324 (2019)**, SB 5431
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 Treatment, initial detention and single-bed certifications: SB 5720
 Treatment, long-term inpatient, community and state hospital care, work group: SB 5432
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 Scooters, motorized foot, regulation of, and various provisions: ***ESHB 1772, CH 170 (2019)**, SB 5751
 Snow bikes, motorcycles converted to: ***SHB 1436, CH 262 (2019)**
 Taxation, sales and use, exemption for certain vehicles: SB 5743, SB 5978
 Taxation, sales and use, of motor vehicle, camper, and travel trailer purchases: SJR 8206
 Taxation, sales and use, revenue deposits into motor vehicle fund: SB 5743, SB 5978
 Taxes and fees for vehicles, limiting or repealing various: SI 976
 Titles, certificates of, service and filing fees, various: ***EHB 1789, CH 417 (2019)**
 Trailers, commercial, license renewal fee: ***SB 5230, CH 44 (2019)**
 Trip permit fee, distribution of moneys from: SB 5971
 Trucks, collector, commercial driver's licensing requirements exemption: SB 5763
 Windows, safety glazing or film suncreening materials, unlawful installation: ***SB 5881, CH 438 (2019)**
 Windows, safety glazing/film suncreening material installation services, unlawful purchase or sale of: ***SB 5881, CH 438 (2019)**

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Music therapy, music therapist licensing and advisory committee: SB 5485

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Adolescent behavioral health care access act: ***E2SHB 1874, CH 381 (2019)**, SB 5904
 Balance billing protection act, medical billing by out-of-network providers: ***2SHB 1065, CH 427 (2019)**, SB 5031, SB 5699
 Body art, body piercing, tattooing, and permanent cosmetics act: SHB 1158
 Brennen's law, on health carrier behavioral health network access standards: ***ESHB 1099, CH 11 (2019)**
 Bring back our \$30 car tabs, as initiative to the legislature: SI 976
 Building business ecosystems act, building business ecosystems area financing: SB 5564
 Business corporation act, revisions: SB 5003
 Call center jobs act, Washington: SB 5058
 Carbon pollution reduction act, cap and trade program: SB 5981
 Child care access now act, Washington: ***2SHB 1344, CH 368 (2019)**, SB 5436
 Clean energy transformation act, Washington: SB 5116
 Common interest ownership act, Washington uniform, various changes: ***ESB 5334, CH 238 (2019)**
 Community behavioral health services act, chapter 71.24 renamed as: SB 5380, SB 5432
 Complete equity act, prohibiting preferential treatment by state: SB 5935
 Complete equity act, repealing state civil rights act and replacing it with: SB 5935
 Consumer protection in eye care act: SB 5759
 Corporate crime act, crimes committed by business entities: ***HB 1252, CH 211 (2019)**
 Data management and protection act, public agency personal data use: SB 5377
 Death with dignity act, provider provision of information to patient regarding: SB 5542
 Deputy Daniel McCartney act, sentencing enhancement for body armor: SB 5050
 Diversity, equity, and inclusion act, Washington state: SI 1000
 Electronic authentication act, repealing: ***HB 1908, CH 132 (2019)**, SB 5501
 Employee fair classification act, concerning employer-employee relationship: SB 5513, SB 5690
 Evergreen promise act, high school pilot program and postsecondary award: SB 5884
 Excess compensation tax act: SB 6017
 Fair repair act, concerning digital electronic products: SB 5799
 Faithful presidential electors act, uniform: ***SB 5074, CH 143 (2019)**
 Guardianship, conservatorship, and other protective arrangements act: SB 5604
 HEAL act of 2019, state agency principles of environmental justice: EHB 2009
 Higher education equity act, faculty ideological diversity, requiring: SB 5914
 Indian fugitive extradition act: SB 5081
 Indian health improvement act, Washington: ***SB 5415, CH 282 (2019)**
 Interstate nurse licensure compact of 2019, multistate licensing: SB 5460
 Jennifer and Michella's law, DNA sample collection and analysis: ***SHB 1326, CH 443 (2019)**

Law enforcement training and community safety act, modifying: ***SHB 1064, CH 4 (2019)**, SB 5029
 Limited cooperative association act, Washington: ***SB 5002, CH 37 (2019)**
 LINK-AIR act, electrification of aircraft: HB 1397
 Linking communities by encouraging regional aircraft electrification act: HB 1397
 Model toxics control reform act: SB 5993
 Natural death act, advance directives: ***EHB 1175, CH 209 (2019)**
 New hope act, certificates of discharge and conviction records vacating: ***SHB 1041, CH 331 (2019)**
 Notarial acts, revised uniform law on, amendments to: ***SB 5641, CH 154 (2019)**
 Parentage act, uniform, comprehensive changes related to: SB 5333
 Parental notification of abortion act: SB 5185
 Patient protection and affordable care act, federal, codifying provisions of: ***SHB 1870, CH 33 (2019)**, SB 5805
 Pollution prevention for healthy people and Puget Sound act: SB 5135
 Privacy act, Washington, consumer data protections: SB 5376
 Private vehicle rental act: SB 5893
 Recognition and enforcement of Canadian domestic violence protection orders act, uniform: ***E2SHB 1517, CH 263 (2019)**, SB 5681
 Reproductive health care access for all act: SB 5602
 Responsible teen communications act, sexually explicit depictions of minors: ***SHB 1742, CH 128 (2019)**
 Rural development and opportunity zone act, Washington: SB 5423
 Safe leave act for Washington railroad workers: SB 5879
 Safer schools act of 2019, school district employee firearm possession: SB 5977
 Secure choice retirement savings program act: SB 5740
 Small business bill of rights: SB 5948
 State bar act, concerning bar association, repealing: ESHB 1788
 State employment resident hiring preference act: SB 5101
 Student loan relief and reform act: SB 5774
 Unsworn declarations act, uniform, renaming previous act as: SB 5017
 Unsworn foreign declarations act, uniform, renaming and revising: SB 5017
 Vaccine consumer protection act: SB 5365
 Voting rights act, technical amendments to: ***SHB 1091, CH 64 (2019)**
 Welcome to Washington act, highway-focused litter control: SB 5093
 Welcome to Washington baby act of 2019: SB 5683
 Wildfire prevention act: SB 5996
 Wildfire prevention and suppression act: SB 5996
 Women's right to know act, concerning abortion information: SB 5966
 Workforce education investment act: ***E2SHB 2158, CH 406 (2019)**

NATURAL DISASTERS (See also EMERGENCIES; FIRE PROTECTION)

Catastrophic incidents, plans and guidance for school districts: SB 5247
 Earthquakes, catastrophic incident planning relevant to: SB 5247
 Earthquakes, functional recovery building standard and task force: SB 5557
 Earthquakes, impact on buildings, incentives and grants to reduce risk: SB 5557
 Work group on natural disaster and resiliency activities, creating: SB 5106

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Actions, significant agency, DNR scientific information sources: SB 5241
 Aquatic lands, tidelands/shorelands, leasing and re-leasing of: ***ESHB 1849, CH 131 (2019)**
 Aquatic lands, tidelands/shorelands, leasing, re-leasing, and platting of: SB 5852
 Board of natural resources, marbled murrelet conservation role of: SB 5547
 Dredged material management program office, role of: ***SHB 1480, CH 225 (2019)**
 Land acquisitions by DNR, restrictions: SB 5102
 Lands, DNR, pollinator habitat: SB 5552
 Marbled murrelet, long-term conservation strategies, DNR role: SB 5547
 Natural area preserve, property acquisitions for: SB 5103
 Natural resources conservation areas, property acquisitions for: SB 5103

Roads, on DNR land, when exclusive access to private property: SB 5368
 Rule making, significant legislative rules, scientific information, DNR role: SB 5241
 Shooting, recreational target, on DNR-managed lands: SB 5099
 Utility wildland fire prevention task force, convening: SB 5305
 Wildfires, 2018 season, appropriations from budget stabilization account for: ***SHB 2159, CH 418 (2019)**, SB 6009

NEWS MEDIA (See also ADVERTISING; TELEVISION AND TELEVISIONS)

Broadcasters, first informer, during state of emergency: ***HB 1147, CH 207 (2019)**, SB 5186
 Broadcasters, radio/television, standard B&O tax deduction for advertising: ***HB 2035, CH 449 (2019)**
 Media literacy/digital citizenship, school support of: SB 5594
 Newspapers, legal, publication of legal notices in: SB 5232

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Entities, nonprofit, crimes committed by, fines/legal financial obligations: ***HB 1252, CH 211 (2019)**
 Fraternal societies and orders, nonprofit, special banquet liquor permit: SB 5742
 Gambling licenses, exemption for certain organizations, when: SB 5595
 Gun clubs, nonprofit, clay target sales and use tax exemptions for: SB 5726
 Holocaust, lessons of, teaching in public schools, role of organizations: SB 5612

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Electronic records notaries public, communications technology remote use: ***SB 5641, CH 154 (2019)**
 Natural death act, advance directives, notary role: ***EBH 1175, CH 209 (2019)**

OIL AND GAS (See also ENERGY; FUELS; UTILITIES)

Hydraulic fracturing, for oil and natural gas, prohibiting: ***SB 5145, CH 294 (2019)**
 Natural gas, renewable, modifying tax exemptions: ***HB 1070, CH 202 (2019)**, SB 5108
 Oil facilities and rail tank cars, crude oil vapor pressure: SB 5579
 Oil facilities and tankers, crude oil type and gravity: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Oil spills, risk model, vessel restrictions, tug escorts, and response system: ***ESHB 1578, CH 289 (2019)**, SB 5578
 Petroleum/petrochemical high hazard facilities, advanced safety training at: ***ESHB 1817, CH 306 (2019)**, SB 5698
 Petroleum/petrochemical high hazard facilities, skilled and trained workforce: ***ESHB 1817, CH 306 (2019)**, SB 5698

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Executive sessions, hospital governing bodies and quality improvement committees: ***SHB 1239, CH 162 (2019)**
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Antiharassment protection orders, temporary: ***SHB 1350, CH 216 (2019)**
 Electronic monitoring, with victim notification, when certain orders: SB 5149
 Extreme risk protection orders, against person under 18: SB 5072
 Extreme risk protection orders, grounds for: SB 5745
 Extreme risk protection orders, various provisions: SB 5027
 No-contact orders, violation of, arrest for: ***HB 1055, CH 18 (2019)**
 Protection orders, violation of various, firearm surrendering: ***SHB 1786, CH 245 (2019)**
 Restraining orders, violation of, arrest for: ***HB 1055, CH 18 (2019)**
 Sexual assault, protection orders, petition for: ***HB 1149, CH 258 (2019)**
 Truancy, detention for failure to comply with court order, eliminating: SB 5290
 Various protection, no-contact, and restraining orders, provisions: ***SHB 1786, CH 245 (2019)**

OUTDOOR RECREATION (See also SPORTS AND RECREATION)

Districts, park and recreation, city or county withdrawal from: ***SHB 2044, CH 138 (2019)**
 Metropolitan park districts, city or county withdrawal from: ***SHB 2044, CH 138 (2019)**
 Recreation sites or lands, pass/permit violations, penalty distribution: SB 5420
 Recreational facilities, public facility district authority, when: ***HB 1499, CH 341 (2019)**, SB 5515
 Sno-parks, seasonal or day-use permit for access: ***SHB 1953, CH 175 (2019)**

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Facilities, public, impact on ethnically diverse/high poverty areas, mitigating: *SHB 1724, CH 375 (2019), SB 5679
 Fee violations, ticket issuance by RTA or PTBA: SB 5673
 Fees, for parking in DOT or public entity park-and-ride lots: SB 5673
 Motorcycles, parking methods: EHB 1058, SB 5653
 Narrow track vehicles, definition and parking: ESHB 1510
 Off-street parking facilities, city-owned property used for, sales of: *SHB 1083, CH 254 (2019)
 Park and ride lots, fees for parking in: SB 5673
 Park and ride lots, private employer transportation service vehicle use of: SB 5896
 Safety rest areas along highways, parking at: *SB 5506, CH 436 (2019)
 Time restriction enforcement, using automated license plate recognition: SB 5529
 Van accessible spaces for persons with disabilities, use requirements: SB 5253

PARKS (See also DISCOVER PASS; OUTDOOR RECREATION; PARKS AND RECREATION COMMISSION; PUBLIC LANDS)

Districts, park and recreation district formation of parks benefit district: SB 5680
 Districts, park and recreation, city or county withdrawal from: *SHB 2044, CH 138 (2019)
 Districts, parks benefit districts and parks improvement districts: SB 5680
 Firearms, possession on park facility premises, prohibitions: SB 5434
 Habitat, for bees/pollinators, protecting and promoting: SB 5552
 Marathon Park, in Olympia, renaming after Joan Benoit Samuelson: SCR 8403
 Metropolitan park districts, city or county withdrawal from: *SHB 2044, CH 138 (2019)
 Metropolitan park districts, commissioners, compensation of: *HB 1092, CH 198 (2019), SB 5036
 Metropolitan park districts, parks benefit districts establishment by: SB 5680
 Peace arch historical state park, peace arch as official state peace monument: SB 5953
 State, funding with Washington state parks-Sasquatch special license plates: SB 5611

PARKS AND RECREATION COMMISSION (See also DISCOVER PASS)

Volunteer programs, within commission, review of opportunities to include: SB 5265

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Arenas and other eligible projects, sales and use taxes deferral: *ESHB 1839, CH 347 (2019), SB 5813
 Arenas, certain areas of, leasehold excise tax exemption: *HB 1301, CH 335 (2019), SB 5198
 Cultural access programs, same requirements for all counties: SB 5792
 Tickets, resellers of, licensing and regulation: SB 5321

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Forfeiture of property, standard of proof: SB 5060
 Impounded vehicles, personal property in, tow truck operator authority: SB 5652
 Lost and found property, monetary thresholds for disposition: *SHB 1764, CH 30 (2019)
 Political subdivisions, property sales or use between, tax exemptions: *SB 5337, CH 188 (2019)
 Self-storage units, personal property in, consumer protections: SB 5957
 Theft, concealing property to deprive other person: SB 5248
 Unclaimed property, rewards cards: SB 5654

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Burning, outdoor, authorizing for silvicultural insect or disease control: *2SHB 1784, CH 305 (2019), SB 5279
 Imidacloprid, in shellfish beds: SB 5626
 Mosquito control districts, application of property tax provisions to: HB 1583, SB 5519
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 Pesticide application safety committee and advisory work group, establishing: 2SHB 1725, SB 5550
 Pesticide application safety work group, recommendations of: 2SHB 1725, SB 5550
 Shellfish beds, burrowing shrimp in, chemical control of: SB 5626

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Compounding of prescription drugs, requirements: SB 5663

Electronic communication of prescription to pharmacy, provisions: SB 5446
 Nonresident pharmacies, licensure and license renewal: ***HB 1412, CH 25 (2019)**, SB 5459
 Nonresident pharmacies, mail order, unintentional use/enrollment: SB 5184
 Pharmacies, community, in retail pharmacy network, requirements: SB 5421
 Pharmacy benefit managers, community pharmacies in retail network of: SB 5421
 Pharmacy benefit managers, contracts with pharmacies: SB 5422
 Pharmacy benefit managers, drug data reporting: ***E2SHB 1224, CH 334 (2019)**
 Pharmacy benefit managers, filling prescription through mail order: SB 5184
 Pharmacy benefit managers, health care benefit managers doing business as: SB 5601
 Pharmacy benefit managers, licensing and regulation of: SB 5601, SB 5982
 Pharmacy benefit managers, regulation of: SB 5422
 Pharmacy benefit managers, repealing/recodifying and replacing chapter: SB 5601
 Pharmacy services administrative organizations, drug data reporting: ***E2SHB 1224, CH 334 (2019)**
 Students, practice of pharmacy by, when: ***HB 1726, CH 270 (2019)**

PILOTAGE COMMISSIONERS, BOARD (See also COMMERCIAL VESSELS AND SHIPPING; MARINE WATERS, STATE)

Self-insurance risk program, local government joint, board participation: ***HB 1431, CH 26 (2019)**, SB 5584

PLUMBERS AND PLUMBING

Advisory board of plumbers, state, duties and members: SB 5235
 Contractors, licensing and regulation of: SB 5235
 Efficiency standards, various plumbing products: ***2SHB 1444, CH 286 (2019)**, SB 5115
 Plumbers, various, regulation of: SB 5235

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Architectural paint stewardship program, board role: ***SHB 1652, CH 344 (2019)**
 Plastic packaging, prohibitions and penalties, board role: SB 5397

PORT DISTRICTS

Airports, district-operated, aircraft noise abatement programs, provisions: SHB 1847
 Bellingham, port of, new salmon hatchery, construction of: SB 5824
 Broadband internet services, district authority to provide: SB 5085
 Cargo-handling equipment, fully automated, funds allocation for, prohibiting: SB 5905
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 Port commissions, commissioner elections when modifying boundaries: SB 5266
 Port commissions, commissioner elections, ranked choice voting: SB 5708
 Telecommunications facilities, district selection of company to operate: 3SHB 1498, SB 5511
 Tolls, vehicle toll imposition by districts, prohibiting: SB 5104
 Worker development and training programs, provisions: ***HB 1568, CH 117 (2019)**, SB 5570

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Educator conditional scholarship and loan repayment programs, board role: ***E2SHB 1139, CH 295 (2019) PV**
 Educator recruitment and preparation programs, PESB role: ***E2SHB 1139, CH 295 (2019) PV**
 Mental health and well-being, student, PESB role: SB 5777
 Mental health and well-being, student, work group on, convening: SB 5777
 Teachers, certification of, basic skills assessments for applicants, PESB role: ***SHB 1621, CH 121 (2019)**, SB 5512
 Teachers, certification of, professional educator collaborative, PESB role: ***E2SHB 1139, CH 295 (2019) PV**

PROFESSIONS (See also AGRICULTURE; BUSINESSES; CONTRACTORS; ELECTRICIANS AND ELECTRICAL INSTALLATIONS; HEALTH CARE PROFESSIONS AND PROVIDERS; REAL ESTATE AND REAL PROPERTY; SCHOOLS AND SCHOOL DISTRICTS; VOCATIONAL EDUCATION)

Adult entertainers, safety of, and advisory committee, convening: ***EHB 1756, CH 304 (2019)**, SB 5724
 Architects, registration of, various provisions: ***SHB 1148, CH 67 (2019)**
 Auctioneers, registration with department of revenue: ***HB 1176, CH 442 (2019)**, SB 5125
 Auto mechanics, safety glazing/film sunscreening material installation services, unlawful purchase or sale of: ***SB 5881, CH 438 (2019)**

Barbers, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125
 Barbers, paying fee to use barber shop premises, when not "employment": SB 5326
 Booth renters, at salon/shop licenseholder's premises, prohibitions: SB 5326
 Cosmetologists, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125
 Cosmetologists, paying to use salon/shop premises, prohibition, when: SB 5326
 Custodians, sexual harassment/assault of, employer prevention role: SB 5258
 Engineers, joint engineering activities between conservation districts: ***HB 1426, CH 103 (2019)**, SB 5585
 Engineers, professional, board for land surveyors and, as separate agency: ***HB 1176, CH 442 (2019)**, SB 5443
 Engineers, registration of: ***HB 1176, CH 442 (2019)**, SB 5125
 Estheticians, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125
 Hair designers, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125
 Hair designers, paying to use salon/shop premises, prohibition, when: SB 5326
 Housekeepers, motel/hotel, sexual harassment/assault of, preventing: SB 5258
 Interpreters, educational, for persons with limited English proficiency: SB 5606
 Interpreters, services for sensory-impaired public assistance applicants: ***SB 5558, CH 152 (2019)**
 Land surveyors, board for professional engineers and, as separate agency: ***HB 1176, CH 442 (2019)**, SB 5443
 Land surveyors, registration of: ***HB 1176, CH 442 (2019)**
 Manicurists, licenses and licensees: ***HB 1176, CH 442 (2019)**, SB 5125
 Manicurists, manicuring for diabetic client, requirements: ESB 5616
 Notaries public, electronic records, communications technology remote use: ***SB 5641, CH 154 (2019)**
 Permanent cosmetics artists, licensing and regulation: SHB 1158
 Private investigators, temporary registration cards: SB 5111
 Security guards, in health care settings, workplace violence prevention: ***SHB 1931, CH 430 (2019)**, SB 5912
 Security guards, sexual harassment/assault of, employer prevention role: SB 5258
 Security guards, use of force with firearm discharge, reporting: SB 5916
 Travel agents and tour operators, preferential B&O tax rate, eliminating: SB 5997

PSYCHIATRY AND PSYCHIATRISTS (See also COUNSELORS AND COUNSELING; HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH; PSYCHOLOGISTS)

Chemical dependency counselors, mental health provider training to become: SB 5715
 Telehealth training/treatment program to aid at-risk students, provider role: SB 5389

PSYCHOLOGISTS (See also COUNSELORS AND COUNSELING; MENTAL HEALTH; PSYCHIATRY AND PSYCHIATRISTS; SCHOOLS AND SCHOOL DISTRICTS)

Chemical dependency counselors, mental health provider training to become: SB 5715
 Telehealth training/treatment program to aid at-risk students, provider role: SB 5389

PUBLIC ASSISTANCE (See also FOSTER CARE; HEALTH CARE AUTHORITY; LONG-TERM CARE)

Child welfare housing assistance program and stakeholder group, establishing: SB 5718
 Family planning program, persons over 19 not eligible for Take Charge program: SB 5602
 Food assistance, basic food work requirements, postsecondary programs for: ***2SHB 1893, CH 407 (2019)**
 Food assistance, SNAP program, EBT card use on postsecondary campuses: ***2SHB 1893, CH 407 (2019)**
 Food assistance, SNAP program, postsecondary student eligibility: ***2SHB 1893, CH 407 (2019)**
 Food assistance, SNAP program, unauthorized benefits, criminal penalties: SB 5531
 Health coverage, for medicaid-ineligible low-income young adults: SB 5814
 Human trafficking, noncitizen victims and family members, public assistance: SB 5164
 Interpreter services, for sensory-impaired public assistance applicants: ***SB 5558, CH 152 (2019)**
 Medicaid, access to baby and child dentistry, children with disabilities: SB 5976
 Medicaid, ambulance transport providers, additional payments to: SB 5517
 Medicaid, behavioral health full integration implementation: SB 5432
 Medicaid, home health services payment methodology and work group: SB 5828
 Medicaid, home health services reimbursement rate: SB 5828
 Medicaid, hospital safety net assessment for, expiration of, extending: SB 5734
 Medicaid, long-term involuntary psychiatric treatment, via managed care: SB 5045
 Medicaid, managed care organizations, incentive payments to, tax exemption: ***SHB 2024, CH 350 (2019)**
 Medicaid, managed care organizations, performance analysis: SB 5523

Medicaid, noncitizen human trafficking victims and family members: SB 5164
 Medicaid, primary care provider reimbursement, medicare payment rate floor: SB 5319
 Medicaid, reproductive health care access for all act: SB 5602
 Medicaid, small rural low-volume hospitals, enhanced payment to: SB 5872
 Medicaid, telemedicine and store/forward technology payment parity: SB 5385
 Medicaid, working individuals with disabilities buy-in program, eligibility: ***SHB 1199, CH 70 (2019)**, SB 5754
 Medical assistance, psychiatric per diem payments to rural hospitals: ***HB 1534, CH 116 (2019)**
 Medical care services, reproductive health care access for all act: SB 5602
 Offices, local community services, boards of advisors for, establishing: SB 5493
 Prevention and family services and programs, relation to foster care: ***HB 1900, CH 172 (2019)**, SB 5826
 Temporary assistance for needy families, for minor parents: SB 5379
 Temporary assistance for needy families, various modifications: ***2SHB 1603, CH 343 (2019)**, SB 5684
 WorkFirst TANF program, various modifications: ***2SHB 1603, CH 343 (2019)**, SB 5684

PUBLIC DEFENSE, OFFICE

Indigent defense services, appropriated funding for: SB 5098
 Indigent defense services, certain filing fees to fund: ***2SHB 1048, CH 251 (2019)**

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Advertising, "top five contributors" requirement: SB 5221
 Advertising, top five contributors and top three donors requirements: ***ESHB 1379, CH 261 (2019)**
 Campaign treasurers, training course for, PDC role: SB 5388
 Campaigns, contributions, political committee requirements: ***ESHB 1379, CH 261 (2019)**, SB 5221
 Campaigns, contributions, port district officials limits: ***HB 1375, CH 100 (2019)**, SB 5309
 Campaigns, finance disclosure, PDC administration: ***SHB 1195, CH 428 (2019) PV**, SB 5112
 Commission, appointment of members of: SB 5866
 Elected/appointed officials, county and superior court, mediation of disputes: SB 5560
 Lobbyists, respectful workplace code of conduct for, including work group: SB 5861

PUBLIC EMPLOYMENT AND EMPLOYEES (See also COLLECTIVE BARGAINING; DISCRIMINATION; EMPLOYMENT AND EMPLOYEES; ETHICS IN GOVERNMENT; LABOR; RETIREMENT AND PENSIONS; STATE AGENCIES AND DEPARTMENTS; WAGES AND HOURS)

Examinations, competitive, state resident scoring preference: SB 5101
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 Military spouses, employment opportunities through recruitment program: SB 5772
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 Public employee salaries/wages, inflationary increase in state budget outlook: SB 5963
 State employees, access to child care, access and affordability survey: ***2SHB 1344, CH 368 (2019)**
 State employees, electronic access to peer-reviewed journals, studying: SB 5504
 State employees, personal information of, person requesting to harass: ***ESHB 1692, CH 373 (2019)**
 State employees, sexual harassment claims, reporting of data: SB 5845

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Uniformed personnel bargaining units, universities and TESC, PERC review: ***SB 5022, CH 234 (2019) PV**

PUBLIC FACILITIES DISTRICTS (See also SPECIAL AND SPECIAL PURPOSE DISTRICTS)

Recreational facilities, other than ski area, authority of districts, when: ***HB 1499, CH 341 (2019)**, SB 5515

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Air pollution control account, deposit of certain penalties into: ***E2SHB 1112, CH 284 (2019)**, SB 5426
 Ambulance transport fund, establishing: SB 5517
 Andy Hill cancer research endowment fund match transfer account, deposits into: ***E2SHB 1873, CH 445 (2019)**
 Behavioral health loan repayment program account, creating: ***2SHB 1668, CH 302 (2019)**
 Benefits account, for whole Washington health trust, creating: SB 5222
 Brownfield redevelopment trust fund account, provisions: SB 5993

Budget stabilization account, appropriations for 2018 wildfires: ***SHB 2159, CH 418 (2019)**, SB 6009
 Budget stabilization account, appropriations for 2019 Clark county measles outbreak: SB 6009
 Budget stabilization account, appropriations for TRS plan 1: SB 5999
 Budget stabilization account, extraordinary revenue growth amounts transfer: ***ESHB 2163, CH 419 (2019)**
 Capital vessel replacement account, depositing certain surcharges in: SB 5971
 Carbon pollution reduction account, creating: SB 5981
 Career connected learning account, creating: ***E2SHB 2158, CH 406 (2019)**, SB 5327
 Center for childhood deafness and hearing loss account, changing name of: ***HB 1604, CH 266 (2019)**
 Center for deaf and hard of hearing youth account, renaming previous account: ***HB 1604, CH 266 (2019)**
 Child welfare system improvement account, renaming: SB 5955
 City-county assistance account, deposits into: SB 5130, SB 5582, SB 5991, SB 5998
 Clean fuels program account, creating: E2SHB 1110, SB 5412
 Cleanup settlement account, provisions: SB 5993
 Climate impacts resilience account, creating: SB 5981
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 Community behavioral health taxable bond account, creating: SB 5537
 Community forestland account, establishing: SB 5873
 Community mental health safety fund, creating: SB 5835
 Complete streets grant program account, transfers to: SB 5521
 Compostable products revolving account, creating: ***ESHB 1569, CH 265 (2019)**
 Connecting Washington account, certain fee deposits into: E2SHB 1110, SB 5412
 County arterial preservation account, appropriations for: SB 5972
 County road administration board emergency loan account, creating: ***SB 5923, CH 157 (2019)**
 County road administration board emergency loan revolving account, creating: SB 5972
 Crime victims' compensation account, certain deposits to assist victims: ***2SHB 1048, CH 251 (2019)**
 Debt-limit general fund bond retirement account, use of: ***SHB 1101, CH 414 (2019)**, SB 5133
 Dedicated marijuana account, deposits into: ***HB 2052, CH 277 (2019)**
 Dedicated marijuana account, modifying use of funds from: ***SHB 1415, CH 220 (2019)**, SB 5482
 Defense community infrastructure account, creating: SB 5748
 Department of children, youth, and families contracted services performance improvement account, creating: SB 5955
 Developmental disabilities community residential investment account, creating: SB 5990
 Displaced worker training account, for whole Washington health trust, creating: SB 5222
 Early learning facilities development account, bonds proceeds deposits/transfers: ***SHB 1101, CH 414 (2019)**, SB 5133
 Early learning facilities revolving account, bonds proceeds deposits and transfers: ***SHB 1101, CH 414 (2019)**, SB 5133
 Education construction fund, transfers to: SB 5264
 Education legacy trust account, deposits into: ***ESHB 2140, CH 411 (2019)**, SB 5130, SB 5582, SB 5991, SB 5998
 Educator conditional scholarship account, renaming future teachers account as: ***E2SHB 1139, CH 295 (2019) PV**
 Electric vehicle account, creating: SB 5336
 Electric vehicle account, creating by renaming previous account: ***E2SHB 2042, CH 287 (2019)**
 Employee fair classification act account, creating: SB 5513, SB 5690
 Energy transformation account, creating: SB 5981
 Energy transition assistance account, creating: SB 5981
 Environmental legacy stewardship account, repealing, transfer of funds: SB 5993
 Fair fund, deposits into and expenditures from: SB 5277
 Farm and forest account, bonds proceeds deposits/transfers: ***SHB 1101, CH 414 (2019)**, SB 5133
 Forest and fish support account, certain deposits into: ***E3SHB 1324, CH 336 (2019) PV**
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 Habitat conservation account, bonds proceeds deposits/transfers: ***SHB 1101, CH 414 (2019)**, SB 5133
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 Library operations account, funds use: ***ESHB 2015, CH 448 (2019)**, SB 5902
 Licensing and enforcement system modernization project account, delaying expiration: ***SHB 1430, CH 164 (2019)**
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 Long-term services and supports trust account, creating: ***2SHB 1087, CH 363 (2019)**, SB 5331
 Manufactured/mobile home park relocation fund, renaming previous fund as: E2SHB 1033, SB 5183
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 Medicaid fraud penalty account, certain deposits into: ***E2SHB 1224, CH 334 (2019)**, SB 5251, SB 5292
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 Problem gambling account, deposits from self-exclusion programs into: ***SHB 1302, CH 213 (2019)**, SB 5416
 Public funds investment account, pooled investment moneys deposits into: ***SHB 1284, CH 163 (2019)**, SB 5306
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Explosives, records and reports, disclosure exemption recommendations: *HB 1673, CH 125 (2019)
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Orcas, southern resident, protections and recovery: ***2SHB 1579, CH 290 (2019) PV**, 2SHB 1580, SB 5577, SB 5580
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 Whales, orca, unmanned aerial systems approaching: HB 1341
 Wolves, conflict mitigation guidelines, developing and implementing: ***ESHB 2097, CH 450 (2019)**
 Wolves, NE Washington management grant, advisory board, members of: ***ESHB 2097, CH 450 (2019)**
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WOMEN (See also ABORTION; CHILDREN; DISCRIMINATION; HEALTH CARE FACILITIES; HOUSE RESOLUTIONS; MARRIAGE AND MARRIED PERSONS; SENATE RESOLUTIONS; SEX OFFENSES AND OFFENDERS; SPORTS AND RECREATION; WAGES AND HOURS)

Breast milk, expressing, employer accommodation of: ***SHB 1930, CH 134 (2019)**, SB 5911
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 Female genital mutilation, performing, as unprofessional conduct, when: SB 5257
 Feminine hygiene products, sales and use tax exemptions: SB 5147, SB 5206
 Hospitals, access to care policies for reproductive health care: SHB 1686
 Huerta, Dolores, April 10 as Dolores Huerta day: ***HB 1906, CH 10 (2019)**, SB 5868
 Indigenous, missing and murdered, liaisons and protocol, establishing: ***2SHB 1713, CH 127 (2019)**
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 Career connected learning cross-agency work group, establishing: ***E2SHB 2158, CH 406 (2019)**
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 Career connected learning grant program, funding for educational service district employees: ***ESHB 2140, CH 411 (2019)**
 Educator workforce, expanding supply, multiple strategies: ***E2SHB 1139, CH 295 (2019) PV**
 Higher education/postsecondary institutions, online cost and outcome data for: SB 5960
 Hospitality industry, opportunities for employment in hospitality grant: SB 5808
 Military spouses, employment opportunities through recruitment program: SB 5772
 Petroleum/petrochemical high hazard facilities, skilled and trained workforce: ***ESHB 1817, CH 306 (2019)**, SB 5698
 Port district worker development and training programs, provisions: ***HB 1568, CH 117 (2019)**, SB 5570
 Teachers, educator workforce supply, expanding via multiple strategies: ***E2SHB 1139, CH 295 (2019) PV**
 Workforce education investment, B&O tax surcharges for: ***E2SHB 2158, CH 406 (2019)**
 Workforce education investment, Washington students for Washington jobs: ***E2SHB 2158, CH 406 (2019)**

WORKERS' COMPENSATION

Booth renters, at salon/shop licenseholder's premises, coverage for: SB 5326
 Employer-employee relationship, under wage and compensation laws: SB 5513, SB 5690

Hanford nuclear site, workers, occupational disease presumption for cancer: ***HB 1490, CH 108 (2019)**, SB 5507
Industrial insurance, claim records, confidentiality and employer review: ***SHB 1909, CH 34 (2019)**, SB 5844
Industrial insurance, collaborative work group, appointing: SB 5474
Industrial insurance, employee fair classification act, creating: SB 5513, SB 5690
Industrial insurance, freight broker/forwarder with agreement with carrier: ESB 5765
Industrial insurance, self-insurers, various provisions: SB 5474
Industrial insurance, wages and lost earning capacity of workers: SB 5217
Occupational disease presumptions, advisory committee on, creating: ***HB 1913, CH 133 (2019)**, SB 5849
Occupational disease presumptions, firefighters and fire investigators: ***HB 1913, CH 133 (2019)**, SB 5849
Occupational disease presumptions, law enforcement officers: ***HB 1913, CH 133 (2019)**, SB 5849
Occupational disease presumptions, various medical conditions: ***HB 1913, CH 133 (2019)**, SB 5849

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD (See also EMPLOYMENT SECURITY DEPARTMENT; VOCATIONAL EDUCATION)

Career connected learning opportunities, board role: SB 5327
Higher education/postsecondary institutions, online cost and outcome data for: SB 5960
Higher education/postsecondary institutions, performance of, evaluation: SB 5960
Workforce education investment account, appropriations from: ***E2SHB 2158, CH 406 (2019)**

ZOOS AND AQUARIUMS

Cultural access programs, same requirements for all counties: SB 5792
Metropolitan park districts, with zoo or aquarium, commissioner compensation: ***HB 1092, CH 198 (2019)**, SB 5036